

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 49G21-1510-F4-038191**

State of Indiana

v.

Willie Hemphill

§  
§  
§  
§  
§  
§  
§

Location: **Marion Superior Court,  
Criminal Division 21**  
Judicial Officer: **Gooden, Alicia A**  
Filed on: **10/27/2015**  
Case Number History: **49G20-1510-F4-038191**  
Police Agency Number: **DP150123628**  
Prosecutor Case  
Management Number: **49G20-DM1192005**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	F4 - Felony 4
1. 35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon	35-47-4-5(c)	F4	10/24/2015	Case Status:	<b>03/09/2016 Decided</b>
2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense	35-44.1-3-1(a)(3)	F6	10/24/2015	Case Flags:	<b>Early Trial</b>
3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o	35-44.1-3-1(a)(1)	MA	10/24/2015		
4. 35-47-2-1/F5: Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years.	35-47-2-1	F5	10/24/2015		

**Related Cases**

49G20-1510-MC-037858 (Other)

**Statistical Closures**

03/09/2016 Guilty Plea or Admission

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	49G21-1510-F4-038191
Court	Marion Superior Court, Criminal Division 21
Date Assigned	03/04/2016
Judicial Officer	Gooden, Alicia A

PARTY INFORMATION

**State Plaintiff**

**State of Indiana**

*Attorneys*

**Chey, Annie Meehar**

317-327-8511(W)

251 E Ohio ST

STE 160

Indianapolis, IN 46208

MCPO-

EFSNotification@Indy.Gov

**Defendant**

**Hemphill, Willie**

27 N. Gray St

Indianapolis, IN 46201

Black Male Height 5' 10" Weight 165

DOB: 09/10/1971 Age: 44

DL: IN 0880-73-9019

Other Agency Number: 000000683723 Indianapolis Metropolitan Police,

2310332 Protection Order Registry,

Provisional755857 Indianapolis Metropolitan Police

**Fleming, Ian M**

Public Defender

317-327-4100(W)

151 N Delaware ST

STE 200

Indianapolis, IN 46204

Ian.Fleming@indy.gov

DATE

EVENTS & ORDERS OF THE COURT

INDEX

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**CASE NO. 49G21-1510-F4-038191**

10/27/2015	Case Opened as a New Filing
10/28/2015	<b>Initial Hearing</b> (8:45 AM) (Judicial Officer: Hart, Peggy Ryan -C) <i>Commenced and concluded</i> <i>Parties Present: Defendant Hemphill, Willie</i>
10/28/2015	Court Sets Bond (Judicial Officer: Hagenmaier, Richard - C ) Party: Defendant Hemphill, Willie <i>SURETY BOND \$120,000.00 FROM 49G201510MC037858 TO 49G201510F4038191</i>
10/28/2015	Probable Cause Found: Order Issued (Judicial Officer: Hagenmaier, Richard - C ) Order Signed: 10/24/2015 <i>TRANSFERRED</i>
10/28/2015	Hearing Scheduling Activity <i>Initial Hearing scheduled for 10/28/2015 at 8:45 AM.</i>
10/28/2015	Advisement of Rights Conducted (Judicial Officer: Hart, Peggy Ryan -C )
10/28/2015	Omnibus Date <i>12/1/2015</i>
10/28/2015	Indigent Counsel Appointed at County Expense <i>Ian Fleming</i>
10/28/2015	Motion for Early Trial Filed File Stamp: 10/28/2015 Filed By: Defendant Hemphill, Willie <i>oral motion</i>
10/28/2015	Order Granting Motion for Early Trial (Judicial Officer: Hart, Peggy Ryan -C ) Order Signed: 10/28/2015 Movant: Defendant Hemphill, Willie <i>granted in open court, speedy deadline is January 6, 2016. Defendant refused to talk to attorney about Speedy request.</i>
10/28/2015	Hearing Scheduling Activity <i>Final PreTrial Conference scheduled for 12/07/2015 at 1:30 PM.</i>
10/28/2015	Hearing Scheduling Activity <i>Jury Trial scheduled for 12/17/2015 at 8:30 AM.</i>
10/28/2015	Appearance Filed File Stamp: 10/28/2015 For Party: Defendant Hemphill, Willie Attorney: Public Defender Fleming, Ian M
10/30/2015	Appearance Filed File Stamp: 10/30/2015 For Party: State Plaintiff State of Indiana Attorney: Prosecutor Chey, Annie Meehar
10/30/2015	Discovery Filed File Stamp: 10/30/2015 Filed By: Prosecutor Chey, Annie Meehar
11/09/2015	Motion To Compel File Stamp: 11/09/2015 Filed By: Prosecutor Chey, Annie Meehar <i>DEFENDANT TO GIVE BUCCAL SWAB SAMPLE</i>

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11/10/2015	Order Granting (Judicial Officer: Seiter, David Michael - C ) Order Signed: 11/09/2015 <i>Motion to Compel Defendant to Give Buccal Swab Samples</i>												
11/10/2015	Notice Filed File Stamp: 11/09/2015 Filed By: Prosecutor Chey, Annie Meehar <i>NOTICE OF INTENT TO USE OTHER CRIMES EVIDENCE</i>												
11/17/2015	Discovery Filed File Stamp: 11/17/2015 Filed By: Prosecutor Chey, Annie Meehar <i>*supplemental*</i>												
12/07/2015	<b>Final PreTrial Conference (1:30 PM)</b> (Judicial Officer: Seiter, David Michael - C ) <i>Commenced and concluded</i> <table border="0"><tr><td><i>Parties Present:</i></td><td><i>State Plaintiff</i></td><td><i>State of Indiana</i></td></tr><tr><td></td><td><i>Public Defender</i></td><td><i>Fleming, Ian M</i></td></tr><tr><td></td><td><i>Defendant</i></td><td><i>Hemphill, Willie</i></td></tr><tr><td></td><td><i>Prosecutor</i></td><td><i>Chey, Annie Meehar</i></td></tr></table>	<i>Parties Present:</i>	<i>State Plaintiff</i>	<i>State of Indiana</i>		<i>Public Defender</i>	<i>Fleming, Ian M</i>		<i>Defendant</i>	<i>Hemphill, Willie</i>		<i>Prosecutor</i>	<i>Chey, Annie Meehar</i>
<i>Parties Present:</i>	<i>State Plaintiff</i>	<i>State of Indiana</i>											
	<i>Public Defender</i>	<i>Fleming, Ian M</i>											
	<i>Defendant</i>	<i>Hemphill, Willie</i>											
	<i>Prosecutor</i>	<i>Chey, Annie Meehar</i>											
12/07/2015	Motion for Continuance Filed File Stamp: 12/07/2015 Filed By: Prosecutor Chey, Annie Meehar												
12/07/2015	Order Granting Motion for Continuance (Judicial Officer: Seiter, David Michael - C ) Order Signed: 12/07/2015 <i>State's Motion for Continuance</i>												
12/07/2015	Hearing Scheduling Activity <i>Jury Trial originally scheduled on 12/17/2015 at 8:30 AM was rescheduled to 01/21/2016 at 8:30 AM. Reason: By Request.</i>												
12/07/2015	Hearing Scheduling Activity <i>Final PreTrial Conference scheduled for 01/11/2016 at 1:30 PM.</i>												
12/08/2015	Discovery Filed File Stamp: 12/07/2015 Filed By: Prosecutor Chey, Annie Meehar <i>Supplemental</i>												
12/08/2015	Discovery Filed File Stamp: 12/07/2015 Filed By: Prosecutor Chey, Annie Meehar <i>Supplemental</i>												
01/07/2016	Correspondence to/from Court Filed File Stamp: 01/07/2016 Filed By: Defendant Hemphill, Willie												
01/07/2016	Motion to Amend Information Filed File Stamp: 01/07/2016 Filed By: Prosecutor Chey, Annie Meehar <i>STATE'S MOTION TO AMEND COUNT III &amp; ADD COUNTS IV, V</i>												
01/07/2016	Administrative Event <i>pro se motion for Frank's hearing is denied and stricken per Trial Rule 11</i>												
01/08/2016	Administrative Event File Stamp: 01/08/2016 <i>States motion to amend and add counts is under advisement until 1/11/16</i>												

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**CASE NO. 49G21-1510-F4-038191**


01/11/2016	<b>Final PreTrial Conference</b> (1:30 PM) (Judicial Officer: Seiter, David Michael - C) <i>Commenced and concluded</i> <i>Parties Present:</i> <i>State Plaintiff</i> <i>State of Indiana</i> <i>Public Defender</i> <i>Fleming, Ian M</i> <i>Defendant</i> <i>Hemphill, Willie</i> <i>Prosecutor</i> <i>Chey, Annie Meehar</i>
01/11/2016	Discovery Filed File Stamp: 01/11/2016 Filed By: Prosecutor Chey, Annie Meehar <i>Supplemental</i>
01/11/2016	Hearing Journal Entry (Judicial Officer: Seiter, David Michael - C ) Hearing Date: 01/11/2016 <i>jury confirmed</i>
01/15/2016	Discovery Filed File Stamp: 01/15/2016 Filed By: State Plaintiff State of Indiana <i>supplemental</i>
01/19/2016	Motion to Vacate Hearing Filed File Stamp: 01/15/2016 Filed By: State Plaintiff State of Indiana <i>vacate jury</i>
01/19/2016	Hearing Scheduling Activity <i>Jury Trial scheduled for 01/21/2016 at 8:30 AM was cancelled. Reason: Other.</i>
01/19/2016	Hearing Scheduling Activity <i>Change of Plea Hearing scheduled for 02/16/2016 at 10:30 AM.</i>
01/19/2016	Motion to Amend Information Filed File Stamp: 01/19/2016 Filed By: Prosecutor Chey, Annie Meehar <i>BY AMENDING COUNT III AND ADDING COUNT IV FOR PURPOSES OF A PLEA AGREEMENT</i>
01/20/2016	Order Issued (Judicial Officer: Seiter, David Michael - C ) Order Signed: 01/20/2016 <i>setting Initial Hearing for Counts 3 &amp; 4 on 2/16/16 at 10:30AM</i>
01/20/2016	Hearing Scheduling Activity <i>Initial Hearing scheduled for 02/16/2016 at 10:30 AM.</i>
01/21/2016	<b>CANCELED Jury Trial</b> (8:30 AM) (Judicial Officer: Seiter, David Michael - C) <i>Other</i> <i>12/17/2015 Continued to 01/21/2016 - - State of Indiana</i>
02/12/2016	Hearing Scheduling Activity <i>Initial Hearing scheduled for 02/16/2016 at 10:30 AM was cancelled. Reason: Judicial Action.</i>
02/16/2016	<b>Change of Plea Hearing</b> (10:30 AM) (Judicial Officer: Seiter, David Michael - C) <i>Commenced and concluded</i> <i>Parties Present:</i> <i>State Plaintiff</i> <i>State of Indiana</i> <i>Public Defender</i> <i>Fleming, Ian M</i> <i>Defendant</i> <i>Hemphill, Willie</i> <i>Prosecutor</i> <i>Chey, Annie Meehar</i>
02/16/2016	<b>CANCELED Initial Hearing</b> (10:30 AM) (Judicial Officer: Seiter, David Michael - C)





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	<i>Judicial Action</i>												
02/16/2016	Advisement of Rights Conducted (Judicial Officer: Seiter, David Michael - C )												
02/16/2016	Plea Agreement Filed Filed Stamp: 02/16/2016												
02/16/2016	Motion to Enter Plea Pursuant to Plea Agreement Filed File Stamp: 02/16/2016 Filed By: Public Defender Fleming, Ian M												
02/16/2016	Hearing Journal Entry (Judicial Officer: Seiter, David Michael - C ) Hearing Date: 02/16/2016 <i>factual basis taken, plea taken under advisement.</i>												
02/16/2016	Order for Presentence Investigation Report Order Signed: 02/16/2016												
02/16/2016	Hearing Scheduling Activity <i>Sentencing Hearing scheduled for 03/08/2016 at 2:30 PM.</i>												
03/03/2016	Hearing Scheduling Activity <i>Sentencing Hearing originally scheduled on 03/08/2016 at 2:30 PM was rescheduled to 03/08/2016 at 2:30 PM. Reason: Court's Own Motion.</i>												
03/07/2016	Notice of Exclusion of Confidential Information File Stamp: 03/07/2016 Filed By: Probation Department Marion County Probation Department												
03/07/2016	Pre-Sentence Investigation Report Filed File Stamp: 03/07/2016 Filed By: Probation Department Marion County Probation Department												
03/08/2016	<b>Sentencing Hearing (2:30 PM)</b> (Judicial Officer: Gooden, Alicia A) <i>Commenced and concluded</i> <table><tr><td><i>Parties Present:</i></td><td><i>State Plaintiff</i></td><td><i>State of Indiana</i></td></tr><tr><td></td><td><i>Public Defender</i></td><td><i>Fleming, Ian M</i></td></tr><tr><td></td><td><i>Defendant</i></td><td><i>Hemphill, Willie</i></td></tr><tr><td></td><td><i>Prosecutor</i></td><td><i>Chey, Annie Meehar</i></td></tr></table>	<i>Parties Present:</i>	<i>State Plaintiff</i>	<i>State of Indiana</i>		<i>Public Defender</i>	<i>Fleming, Ian M</i>		<i>Defendant</i>	<i>Hemphill, Willie</i>		<i>Prosecutor</i>	<i>Chey, Annie Meehar</i>
<i>Parties Present:</i>	<i>State Plaintiff</i>	<i>State of Indiana</i>											
	<i>Public Defender</i>	<i>Fleming, Ian M</i>											
	<i>Defendant</i>	<i>Hemphill, Willie</i>											
	<i>Prosecutor</i>	<i>Chey, Annie Meehar</i>											
03/08/2016	<b>Judgment</b> (Judicial Officer: Gooden, Alicia A) 1. 35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon Dismissed 2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense Plea by Agreement 3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o Plea by Agreement												
03/09/2016	Order Granting Mot. to Enter Plea Pursuant to Plea Agreement (Judicial Officer: Gooden, Alicia A ) Order Signed: 03/08/2016 <i>Order Granting Motion to Enter Plea of Guilty Pursuant to Plea Agreement.</i>												
03/09/2016	Notice of Evidence Destruction Issued												
03/09/2016	 <b>Sentenced</b> (Judicial Officer: Gooden, Alicia A) 2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense 10/24/2015 (F6) 35-44.1-3-1(a)(3) (3544131a3F6)												

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	<p>3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o 10/24/2015 (MA) 35-44.1-3-1(a)(1) (3544131a1MA)</p> <hr/>
	<p>Confinement to Commence 03/08/2016 Indiana Department of Correction Term: 1 Yr Jail Credit: 137 Days Concurrent with Prior Sentence: with count 4 Comment: Defendant indigent to court fines and costs. Set term plea.</p> <p>Confinement to Commence 03/08/2016 Indiana Department of Correction Term: 1 Yr Concurrent with Prior Sentence: with count 3</p>
03/09/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (SNTC)</i></p>
03/09/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (DISP)</i></p>
03/10/2016	<p> <b>Amended Sentenced</b> (Judicial Officer: Gooden, Alicia A) Reason: Other</p> <p>2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense 10/24/2015 (F6) 35-44.1-3-1(a)(3) (3544131a3F6)</p> <p>3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o 10/24/2015 (MA) 35-44.1-3-1(a)(1) (3544131a1MA)</p> <hr/>
	<p>Confinement to Commence 03/08/2016 County Jail Term: 1 Yr Jail Credit: 137 Days Concurrent with Prior Sentence: with count 3 Comment: Defendant indigent to court fines and costs. Set term plea.</p> <p>Confinement to Commence 03/08/2016 County Jail Term: 1 Yr Concurrent with Prior Sentence: with count 2</p>
03/10/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (SNTC)</i></p>
04/08/2016	<p><b>Judgment</b> (Judicial Officer: Gooden, Alicia A)</p> <p>4. 35-47-2-1/F5:Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years. Plea by Agreement</p>
04/08/2016	<p><b>Amended Judgment</b> (Judicial Officer: Gooden, Alicia A) Reason: Other <i>Correction to sentence</i></p> <p>1. 35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon Dismissed</p> <p>2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense Dismissed</p> <p>3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o Plea by Agreement</p>
04/08/2016	<p><b>Amended Sentenced</b> (Judicial Officer: Gooden, Alicia A) Reason: Other</p> <p>2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense 10/24/2015 (F6) 35-44.1-3-1(a)(3) (3544131a3F6)</p>

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	<p>3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o 10/24/2015 (MA) 35-44.1-3-1(a)(1) (3544131a1MA)</p> <hr/>
	<p>Confinement to Commence 03/08/2016 County Jail Term: 0 Yr Jail Credit: 0 Days Comment: Confinement to Commence 03/08/2016 County Jail Term: 1 Yr Concurrent with Prior Sentence: with count 2</p>
04/08/2016	<p> <b>Amended Sentenced</b> (Judicial Officer: Gooden, Alicia A) Reason: Other 2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense 10/24/2015 (F6) 35-44.1-3-1(a)(3) (3544131a3F6)</p> <p>3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o 10/24/2015 (MA) 35-44.1-3-1(a)(1) (3544131a1MA)</p> <hr/>
	<p>Confinement to Commence 03/08/2016 County Jail Term: 0 Yr Jail Credit: 0 Days Comment: Confinement to Commence 03/08/2016 Indiana Department of Correction Term: 1 Yr Jail Credit: 137 Days Suspended: 0 Days Concurrent with Prior Sentence: with count 4</p>
04/08/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (DISP)</i></p>
04/08/2016	<p><b>Sentenced</b> (Judicial Officer: Gooden, Alicia A) 4. 35-47-2-1/F5:Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years. 10/24/2015 (F5) 35-47-2-1 (354721F5)</p> <hr/>
	<p>Confinement to Commence 03/08/2016 Indiana Department of Correction Term: 1 Yr Suspended: 0 Days Concurrent with Prior Sentence: Court 3</p>
04/08/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (SNTC)</i></p>
04/08/2016	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (SNTC)</i></p>
05/23/2016	<p> <b>Administrative Event</b> <i>Correspondence to/from Court Filed</i></p>
11/22/2017	<p>Disposition Sent Electronically to Indiana State Police <i>Added By CHRIS Interface (TCN)</i></p>

STATE OF INDIANA )  
 ) ss:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 11  
CAUSE NUMBER \_\_\_\_\_

AFFIDAVIT FOR PROBABLE CAUSE

The undersigned, being first duly sworn upon his oath, deposes and says that he has reason to believe that the person known as:

Name: Willie J. Hemphill

DOB: 9-10-71

OLN: 0880-739019

in the County of Marion, State of Indiana, on 10-24-15 (date), at 0300 (time) at Eckman (Hospital/Location where defendant is currently located) that there is now concealed certain evidence, namely: Blood in such person, which is evidence of the crime of operating a vehicle/motor vehicle while intoxicated that occurred on \_\_\_\_\_ (date), at 7:10 (time) at Gray & Wabasha (location) and tends to show that said person committed such offense; that unless samples of said blood are obtained for chemical analysis forthwith, the opportunity to make such analysis will be lost forever; and that the facts tending to so establish grounds for issuance of a search warrant are as follow:

1. I am an officer with the IMD Department.

2. In the course of my duties I had occasion to investigate:

A. \_\_\_\_\_ the scene of a motor vehicle crash,

B. \_\_\_\_\_ the scene of a motor vehicle crash involving a fatality or serious bodily injury to a person other than the suspect,

C. ✓ the scene of an operating a vehicle while intoxicated. Officer M. Phillips 20105 observed erratic and/or unlawful motor vehicle operation as follows:

Failed to signal - then fled

D. \_\_\_\_\_ the scene of an operating a vehicle while intoxicated. Officer \_\_\_\_\_ stopped a vehicle being operated by the suspect due to a non-moving traffic violation, which was:

E. \_\_\_\_\_ the scene of an operating a vehicle while intoxicated. Officer \_\_\_\_\_ stopped a vehicle being operated by the suspect at a sobriety checkpoint,

F. \_\_\_\_\_ the scene of an operating a vehicle while intoxicated. Officer \_\_\_\_\_ stopped a vehicle being operated by the suspect for the following reasons:

3. I believe that above-named individual was the operator of the motor vehicle in question because:

Off Phillips observed him

**FILED**

OCT 23 2015

56

Mylena A. Edwards

A COPY OF THE PROBABLE CAUSE AFFIDAVIT AND SEARCH  
WARRANT HAS BEEN FILED WITH THE SIGNING JUDGE ON THIS DATE  
OF 10/24/2015

s/Travis Sandifur  
Judge, Marion Superior Court

Executed this 24th day of October, 20 15 at 3:40 PM (time).

M. M. W. M4520  
Officer's Name and Department  
FM 17

Upon execution the following items were confiscated:

2 gray top tubs b/c

**FILED**

OCT 23 2015

(56)

Mylan A. Eldridge  
CLERK OF THE MARION CIRCUIT COURT

11-13-15  
B



STATE OF INDIANA  
Plaintiff

WILLIE HEMPHILL  
Defendant

) MARION SUPERIOR COURT  
) CRIMINAL DIVISION 20  
) CASE NO: 49G20-1510-F4-038191  
)

43 FILED

OCT 27 2015

*Nylon A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

Master Commissioner David M. Seiter

### JURY TRIAL SETTING AND CASE MANAGEMENT ORDER

The Court being duly advised hereby enters the following order to govern this case:

1. The lead charge is a Level **F4** Felony. The Court finds that this case should be disposed of within **180** days of the initial hearing.
2. The disposition date is on or about **04/25/2016**.
3. The State's Notice of Intended Witnesses and Exhibits is to be filed by:  
**12/21/2015**.
4. Defendant's Notice of Intended Witnesses and Exhibits is to be filed by:  
**12/28/2015**.
5. Depositions and discovery are to be completed on or before:  
**01/18/2016**.
6. Substantive motions for which deadlines are not otherwise established by statute or rule, including but not limited to motions to suppress and written plea agreements are to be filed by **02/05/2016**.
7. No sanctions shall be imposed for failure to comply with this order until the parties have first attempted to resolve the dispute informally, and then obtained an order compelling compliance with this order.

*Not for fast  
+ space granted  
Dates will  
not change.  
P.D. Hemminger*

8. Final Witness and Exhibit Lists, Motions in Limine and jury instructions shall be filed in accordance with Local Rule 114 of Marion Superior Court, Criminal Division.

9. The omnibus date in this case is 12/28/2015.

12/11/15

12/7/15

10. The Final PTC for this case is Monday, 03/07/2016 at 1:30 P.M.

12/17/15

11. This case is set for Jury Trial on Thursday, 03/17/2016 at 8:30 A.M.



Master Commissioner David M. Seiter  
Marion Superior Court  
Criminal Division 20

Fast + speedy  
Expiration = 1/6/16

12/30

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR  
CRIMINAL COURT 20  
CRIMINAL DIVISION, ROOM E439

STATE OF INDIANA )

vs. )

WILLIE HEMPHILL B/Male  
DOB 9/10/1971

Cause No: 49G20-1510-F4-038191

INFORMATION

COUNT I

UNLAWFUL POSSESSION OF A  
FIREARM BY A SERIOUS VIOLENT  
FELON

I.C. 35-47-4-5(c)

A LEVEL 4 FELONY

COUNT II

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(3)

A LEVEL 6 FELONY

COUNT III

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(1)

A CLASS A MISDEMEANOR

**FILED**

(275) OCT 28 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

On or about October 24, 2015, WILLIE HEMPHILL having previously been convicted of a serious violent felony, to-wit: Battery With Bodily Injury as a C Felony in Grant County Court Room D02 under cause number 27D020406FB69, did possess a firearm, to-wit: a handgun;

COUNT II

On or about October 24, 2015, WILLIE HEMPHILL did knowingly flee from Michael Phillips, a law enforcement officer, after said officer identified himself by visible or audible means and visibly or audibly ordered said defendant to stop and in committing said act the defendant used a vehicle;

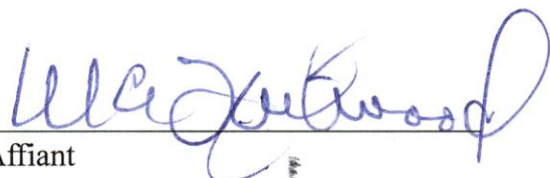
COUNT III



On or about October 24, 2015, WILLIE HEMPHILL did knowingly or intentionally forcibly resist, obstruct or interfere with Michael Phillips, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.


I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

  
Affiant

October 27, 2015

Date

**TERRY R. CURRY**  
Marion County Prosecutor  
19th Judicial Circuit

  
Deputy Prosecuting Attorney

**FILED**

**(275) OCT 28 2015**

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

State's Witnesses:

A. Popcheff/IMPD/P4687  
M. Phillips/IMPD/20105  
M. Deskins/IMPD/30748  
M. McCardia/IMPD/M4520

# AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

DETECTIVE ANN C. POPCHEFF swears (affirms) that:

IMPD Case/Incident Number:

Defendant Name: WILLIE HAMPHILL

Location of Incident: [REDACTED] North Gray Street

Agency: Indianapolis Metropolitan Police Department

**FILED**

**(275) OCT 28 2015**

*Myla A. Eldridge*  
CLERK OF THE MARION COUNTY COURT

On 10/24/2015 at approximately 0217 am, I Officer Michael Phillips of the IMPD was dispatched with Officer Michael Deskins to [REDACTED] N Gray St in reference to a suspicious vehicle behind the residence. The caller advised a van and a dark colored vehicle were both occupied and the caller could see a light from a lighter being repeatedly lit. Officer Deskins and I got the call together and proceeded to the scene together. Officer Deskins and I were both wearing full IMPD uniform and driving fully marked IMPD vehicles. Both of our vehicles had fully operational overhead light bars and working sirens.

As I proceeded to the scene, I decided to approach the alley from the east and enter off of N Dearborn St; I entered the alley north of E Washington St from N Dearborn St. As I drove west in the alley, I could see headlights heading slowly south from the alley and I could see a white van being driven by a black male. The driver failed to signal his turn from the alley as he turned west in front of me. I took a quick glance up the alley between N Gray St and N Dearborn St and saw no other vehicles moving or other foot traffic. Having witnessed the traffic violation, I attempted to initial a traffic stop on the Kia van for the traffic infraction. As soon as I activated my overhead light bar and illuminated the vehicle with my spotlight, the vehicle immediately

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

*Ann C. Popchiff*  
AFFIANT

DATED: OCTOBER 27, 2015

*W. A. Shulwood*  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE

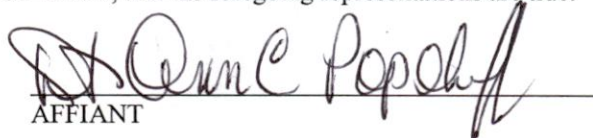
## Affidavit for Probable Cause

**From:** DETECTIVE ANN C. POPCHEFF

accelerated. The vehicle threw up a cloud of dust as it attempted to flee from me. Upon seeing this, I believed the driver was attempting to flee and elude me. I turned on my siren, but the vehicle refused to stop and accelerated even more as we reached N Gray St. I briefly observed that the driver's head had ducked down and was possibly hiding something in the center console or floorboard. Officer Deskins was directly behind me and making the same observations as I about the vehicle attempting to elude and flee. As IMPD was being advised about the beginning of a vehicle pursuit, the vehicle failed to maintain its lane and pulled to the curb without signaling. I immediately exited my vehicle and approached the driver side of the vehicle. The driver's door was already open and the driver exited without being told to do so.

The driver of the vehicle, later identified as Willie Hemphill exited with his hands concealed and showed signs that he was going to flee. I drew my service weapon and ordered Willie Hemphill to the ground. Willie Hemphill's right hand was still concealed as he looked directly at me, but ignored my command to lie down. I then repeatedly, over and over again, stated "get down on the ground". Willie Hemphill kept stating "what!?. Willie Hemphill now approached me with his right hand still concealed but possibly holding his pants up but, due to the darkness, I could not determine what was in Mr. Hemphill's right hand. Willie Hemphill repeatedly ignored my commands to lie on the ground. I took several steps back as Mr. Hemphill continued to approach me and ignore my orders to "stop and lay down". I now recognized that Willie Hemphill was attempting to close the distance towards me and possibly attempt to assault me. I turned my gun side away from Willie Hemphill and with my left hand grabbed Willie Hemphill behind his neck. I secured my weapon as I pulled Mr. Hemphill to the ground with my left arm. Officer Deskins now joined me as I took Willie Hemphill to the ground. I was able to quickly place a handcuff on Willie Hemphill's right arm, but he pulled his left arm away from Officer Deskins. A violent struggle now began as Officer Deskins and I attempted to get Willie Hemphill placed in

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AFFIANT

DATED: OCTOBER 27, 2015

  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE



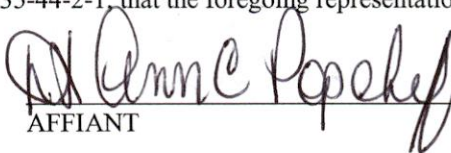
## Affidavit for Probable Cause

**From:** DETECTIVE ANN C. POPCHEFF

handcuffs. He was screaming at officers to get off of him while also swearing at officers. Officer Deskins and I were repeatedly telling Willie Hemphill to surrender his arms and not to physically resist. He never showed any signs of complying with our orders to put his hands behind his back. Willie Hemphill was tightening his body, twisting, turning, and attempting to get up off the ground. Willie Hemphill kept pulling with all of his might to keep Officer Deskins from putting his left arm behind his back. Willie Hemphill pulled his left arm free several times before Officer Deskins and I could get the arm behind his back. I momentarily lost Willie Hemphill's right arm that had the handcuff on it during the struggle. He immediately pulled his right arm/hand to his waistline. I put Willie Hemphill's right arm into an arm bar by putting pressure on his right upper arm. Willie Hemphill was definitely reaching for something on his waistline as I applying the arm bar and called out a warning to Officer Deskins. The physical hold finally put enough pressure on Willie Hemphill's arm that I could pull the still handcuffed hand from under his body. Willie Hemphill was finally placed in handcuffs at this time. I immediately retrieved the item Willie Hemphill was reaching for and discovered it was a Smith and Wesson folded knife that was clipped to his waistline. Willie Hemphill was placed in leg cuffs, since he was still aggressive and hostile. He was also kicking and attempting to get up.

With Willie Hemphill secured, I began to make several observations of him and his current demeanor. I noticed he did have an odor of an alcoholic beverage on his breathe and person. Willie Hemphill had glassy eyes and was slurring his speech. I noticed Willie Hemphill was showing signs of possible recent narcotic use. He was having significant mood swings with yelling/screaming at everyone he saw to completely calm and quiet within a minute's time. He showed signs of a higher than normal pain tolerance and complained of no pain from when his right arm was placed in an arm bar. Willie Hemphill was nearly able to get up off the ground even though Officer Deskins and I were both on top of him. Having made the observations of

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

  
AFFIANT

DATED: OCTOBER 27, 2015

  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE

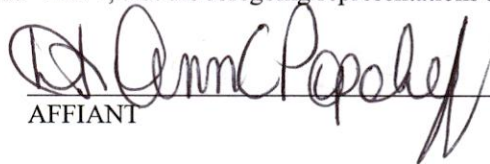
## Affidavit for Probable Cause

**From:** DETECTIVE ANN C. POPCHEFF

Willie Hemphill and having seen him drive a vehicle, I requested a DUI Officer to assist with a breathe test. I read Willie Hemphill the Indiana Implied Consent and he initially agreed to take a breath test. But within a minute or two, Willie Hemphill again became angry, aggressive, and hostile. I realized there was no way to safely conduct a breathe test in Willie Hemphill's current state.

A license check of Willie Hemphill's driving privileges showed his license was suspended/infraction. I advised Willie Hemphill that he was under arrest for Resisting L/E with a vehicle, Resisting L/E with force, and would be transported to Eskenazi Hospital for a blood draw. When Willie Hemphill parked and exited his vehicle, the vehicle was parked over two feet from the curb; I ordered a wrecker for the vehicle at this time. Inventory of the vehicle produced several tools in the trunk and second level seating. A book bag was in the second level seating row. In the center console and front seats were papers and other various items. In the center console was a digital scale with marijuana residue on it (I based this on my training and experience as a Police Officer). Under the driver's seat that Willie Hemphill was just sitting at was a fully loaded .380 caliber handgun. Upon seeing this, I called for an Evidence Technician to respond. Officer Michael Anderson, an Evidence Tech responded to the scene. Officer Anderson took photos of the vehicle and where the weapon was found. Officer Anderson recovered the loaded weapon from under the seat and photographed the weapons loaded magazine and the live round in the chamber. The weapon, a Cobra Arms .380 serial number FS035003, was negative through NCIC and submitted by Officer Anderson to the property room. A check through IMPD Control revealed Willie Hemphill had a C-felony conviction for Battery Resulting in Serious Bodily Injury under 27D02-0406-FB-69 on 08/29/2005. He has a prior for Theft D felony under cause number 27D02-0909-FD-108 on 10/14/2009. Willie Hemphill was additionally charged

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

  
AFFIANT

DATED: OCTOBER 27, 2015

  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE



## Affidavit for Probable Cause

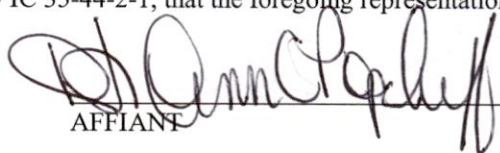
**From:** DETECTIVE ANN C. POPCHEFF

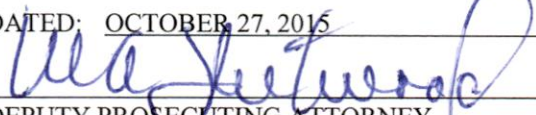
with handgun possession by a convicted felon. The vehicle was towed by Cook's towing to the Auto Return lot.

Lt Mark McCardia arrived on scene to assist with the DUI investigation. Lt McCardia agreed that a breathe test could not be performed, due to Willie Hemphill's actions. Willie Hemphill was attempting to hurt himself by rubbing his face and body against the sidewalk. Willie Hemphill had to be moved from the sidewalk to the grass several times. He repeatedly screamed he was being hurt, even when no one was around him. Willie Hemphill was acting completely irrational and aggressive. Willie Hemphill was now telling officers "It's my wife's van! Arrest her for the drugs and GUN!!!" Lt McCardia went to the APC and applied for a warrant for Willie Hemphill's blood. At 03:15 am, the Honorable Travis Sandifur signed the warrant for a blood draw under cause # 49g201510MC037815. Lt McCardia brought the warrant to Eskenazi Hospital where I transported Willie Hemphill. He was still aggressive and hostile while also trying to harm himself. Willie Hemphill threw himself down in the parking lot of Eskenazi Hospital while screaming. Willie Hemphill tried to throw himself down several more times, but was kept from the ground by Officer Deskins and myself.

Willie Hemphill continued to resist at the Eskenazi Detention Center. He threw himself off of a bench in front of the Marion County Detention Deputies and had to be secured to a bed for his own safety. Lt McCardia arrived with the warrant and the warrant was executed at 0345 am. I observed RN Shawn Delaney use non-alcoholic betadine prep on Willie Hemphill's left arm before drawing two gray top tubes of Willie Hemphill's blood. RN Delaney then gave me possession of the two tubes and I transported both to the Property Room. The blood was submitted for testing. Willie Hemphill continued to fight, resist, and attempt to cause problems at the Detention Center. Willie Hemphill had to be restrained to a hospital bed for his own safety. Willie Hemphill was transported to APC by MCSD wagon.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

  
AFFIANT

DATED: OCTOBER 27, 2015  
  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE

**Affidavit for Probable Cause**

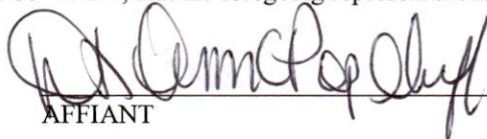
**From:** DETECTIVE ANN C. POPCHEFF

Willie Hemphill was arrested for being a felon in possession of a handgun, felony resisting law enforcement, resisting law enforcement with force, OVWI/refusal, and sited on UTT #W1499880 for failure to signal. The blood, handgun, folding knife, and scale were all booked as evidence and left in the Property Room.

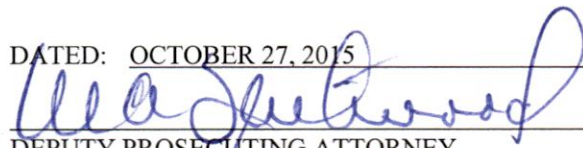
Sgt. Ben Heffner was on scene for the resisting special. All the above events occurred in Marion County, State of Indiana, and City of Indianapolis.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

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AFFIANT

DATED: OCTOBER 27, 2015

  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE

STATE OF INDIANA  
MARION COUNTY, ss:

*Returned  
Mail*

IN THE MARION SUPERIOR  
CRIMINAL COURT 20  
CRIMINAL DIVISION, ROOM E439

STATE OF INDIANA )

Cause No: 49G20-1510-F4-038191

vs. )

INFORMATION

COUNT I

WILLIE HEMPHILL B/Male  
DOB 9/10/1971

UNLAWFUL POSSESSION OF A  
FIREARM BY A SERIOUS VIOLENT  
FELON

I.C. 35-47-4-5(c)

A LEVEL 4 FELONY

**FILED**

(275) OCT 28 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

COUNT II

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(3)

A LEVEL 6 FELONY

COUNT III

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(1)

A CLASS A MISDEMEANOR

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

On or about October 24, 2015, WILLIE HEMPHILL having previously been convicted of a serious violent felony, to-wit: Battery With Bodily Injury as a C Felony in Grant County Court Room D02 under cause number 27D020406FB69, did possess a firearm, to-wit: a handgun;

COUNT II

On or about October 24, 2015, WILLIE HEMPHILL did knowingly flee from Michael Phillips, a law enforcement officer, after said officer identified himself by visible or audible means and visibly or audibly ordered said defendant to stop and in committing said act the defendant used a vehicle;

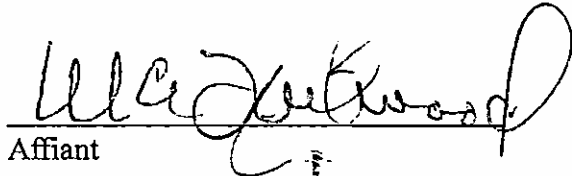
COUNT III



On or about October 24, 2015, WILLIE HEMPHILL did knowingly or intentionally forcibly resist, obstruct or interfere with Michael Phillips, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.


I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

  
Affiant

October 27, 2015

Date

**TERRY R. CURRY**  
Marion County Prosecutor  
19th Judicial Circuit

  
Deputy Prosecuting Attorney

**FILED**

**(275) OCT 28 2015**

  
CLERK OF THE MARION CIRCUIT COURT

State's Witnesses:

A. Popcheff/IMPD/P4687  
M. Phillips/IMPD/20105  
M. Deskins/IMPD/30748  
M. McCardia/IMPD/M4520

Willie Hemphill #683723

Cause # 49G20-1510-F4-038191

Lied in Request for Search Warrant

10-24-2015

On Affidavit for Probable Cause  
to gain a warrant for Blood  
ofc. Phillip Lies Again and states  
this Infraction was committed  
on Gray and Washington

10-27-2015 Filed 10-28-2015

This is where the Police (ofc. Phillips)  
Lied; Location in his Probable Cause  
Affidavit he said from South Alley  
to West Alley. In Probable Cause  
he also says he chased me to Gray Street  
/or I Fled toward Gray street

STATE OF INDIANA )

COUNTY OF MARION )

State of Indiana )

City of Indianapolis )

)



☐ A.D. ☐ C.C.

# 1 of 1

UTT# W1499880

COMPLAINT AND SUMMON

The Undersigned having probable cause to believe says that on:

DAY OF WEEK	DAY	MONTH	YEAR	TIME
S +	24	Oct	2015	02:20
LAST NAME			FIRST	MIDDLE
Hemphill			Willie	J
STREET ADDRESS				
27 N. Gray St.				
CITY			STATE	ZIP
Indianapolis			IN	46201
RACE	SEX	DOB	HEIGHT	WEIGHT
B	M	9-10-71	5'10"	165
HAIR	EYE			
Blk	B			
<input checked="" type="checkbox"/> IN <input type="checkbox"/> ID <input type="checkbox"/> VERBAL <input type="checkbox"/> CDL				STATE
0880-73-4614				IN

DID UNLAWFULLY OPERATE:

VEH. COLOR	VEH. YR.	VEH. MAKE	LIC. YR.	LIC. STATE	LIC. NO.
Wh	03	Kia	15	IN	8989017
LOCATION (A PUBLIC STREET OR HIGHWAY IN MARION COUNTY, INDIANA)					
1 N Gray St - 1st					
Truck / Tractor <input type="checkbox"/> Trailer <input type="checkbox"/> Combination Vehicle <input type="checkbox"/> DOT / MC #					
<input type="checkbox"/> Under 10,000 <input type="checkbox"/> 10,001+ <input type="checkbox"/> 26,001+ <input type="checkbox"/> 16+ Passengers <input type="checkbox"/> Placarded HAZMAT					

DID COMMIT THE FOLLOWING OFFENSE:

Turn: F to R	State Statute, IC <input checked="" type="checkbox"/> Local Ordinance Number
	9-21-8-25 NC
	State Statute, IC <input type="checkbox"/> Local Ordinance Number
	State Statute, IC <input type="checkbox"/> Local Ordinance Number
	State Statute, IC <input type="checkbox"/> Local Ordinance Number

I affirm under penalty of perjury as specified by IC 35-44-2-1 that the foregoing representations are true.

OFFICER'S SIGNATURE	ID NO.	POLICE AGENCY
[Signature]	20105	IMPD
PROSECUTOR, 19TH JUDICIAL DISTRICT	CORPORATION COUNSEL	

You can determine the amount owed by calling 1-866-729-4639 or by checking online at [www.Indy.gov/ticketpay](http://www.Indy.gov/ticketpay), after about 14 business days. If the information is not available by telephone or online, you may visit CVB at 8115 E. Washington St., Indpls., IN 46219

☐ IF THIS BOX IS CHECKED, YOU ARE CHARGED WITH AN OFFENSE AND MUST APPEAR IN COURT. A SUMMONS WILL BE MAILED TO THE ADDRESS LISTED ON THIS TICKET.

# AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

DETECTIVE ANN C. POPCHEFF swears (affirms) that:

IMPD Case/Incident Number:

Defendant Name: WILLIE HAMPHILL

Location of Incident: 25 North Gray Street

Agency: Indianapolis Metropolitan Police Department

**FILED**

(275) OCT 28 2015

*Myra A. Eldridge*  
CLERK OF THE MARION COUNTY COURT

On 10/24/2015 at approximately 0217 am, I Officer Michael Phillips of the IMPD was dispatched with Officer Michael Deskins to 25 N Gray St in reference to a suspicious vehicle behind the residence. The caller advised a van and a dark colored vehicle were both occupied and the caller could see a light from a lighter being repeatedly lit. Officer Deskins and I got the call together and proceeded to the scene together. Officer Deskins and I were both wearing full IMPD uniform and driving fully marked IMPD vehicles. Both of our vehicles had fully operational overhead light bars and working sirens.

As I proceeded to the scene, I decided to approach the alley from the east and enter off of N Dearborn St; I entered the alley north of E Washington St from N Dearborn St. As I drove west in the alley, I could see headlights heading slowly south from the alley and I could see a white van being driven by a black male. The driver failed to signal his turn from the alley as he turned west in front of me. I took a quick glance up the alley between N Gray St and N Dearborn St and saw no other vehicles moving or other foot traffic. Having witnessed the traffic violation, I attempted to initial a traffic stop on the Kia van for the traffic infraction. As soon as I activated my overhead light bar and illuminated the vehicle with my spotlight, the vehicle immediately

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*Ann C. Popchiff*  
AFFIANT

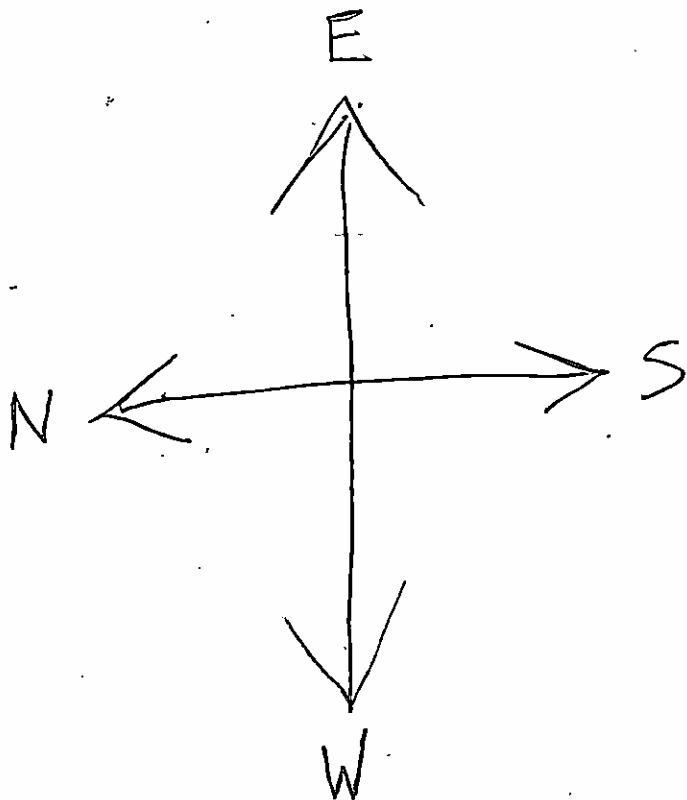
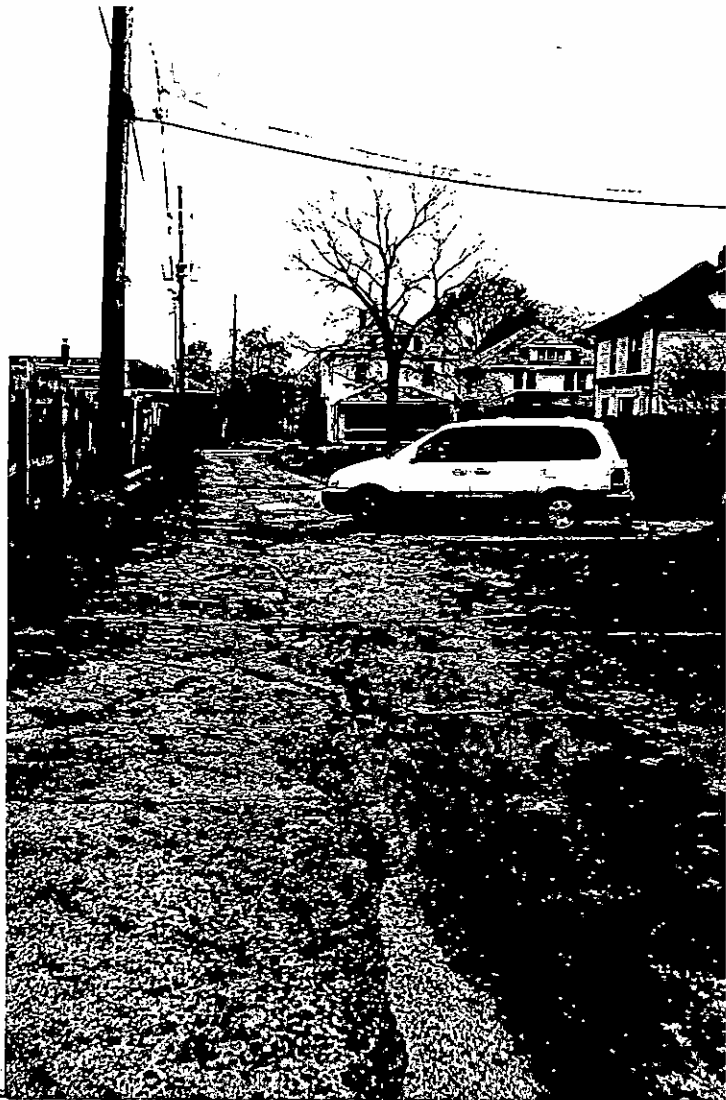
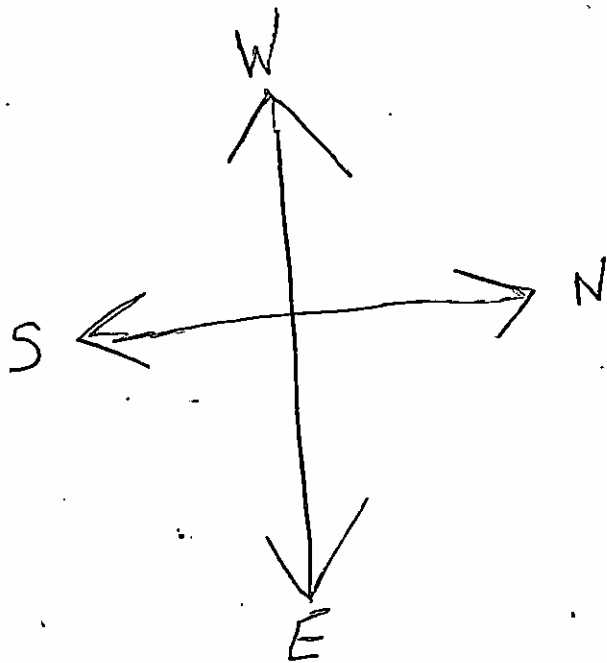
DATED: OCTOBER 27, 2015

*Willie J. Phillips*  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

\_\_\_\_\_  
JUDGE

Willie Hemphill #6 3723

49G20-1510-F4038191





**MARION COUNTY PUBLIC DEFENDER AGENCY**

151 North Delaware, Suite 200

Indianapolis, IN 46204-3320

Phone (317) 327-4100 Fax (317) 327-3754

TDD for hearing impaired (317) 327-5186

**CRIMINAL DEFENSE APPEARANCE FORM**

**Cause Number:** 49G20-1510-F4-038191

**Name of Defendant:** Willie Hemphill

**FILED**  
⑥ OCT 28 2015 *MA*  
*Mylon A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**1. Defense Attorney Information (as applicable for service):**

Ian M Fleming

Atty No: 30615-49

151 N. Delaware St., Suite 200

Indianapolis, IN 46204 USA

Fax: (317) 327-3754

Email: ian.fleming@indy.gov

Business Phone: (317) 327-4100

**2. Defendant WILL NOT accept service by FAX**

Note: If separate attorneys represent separate defendants or separate sets of defendants, use an appearance form for each separately represented defendant or set of defendants.

*Authority: Pursuant to Criminal Rule 2.1(B), this form shall be filed at the time of a criminal proceeding is commenced. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.*

STATE OF INDIANA }

IN THE MARION SUPERIOR COURT  
 ss: CRIMINAL DIVISION, ROOM NO. 20  
 CAUSE NO. 49-G20-1510-F4-038191

STATE OF INDIANA }

V

WILLIE HEMPHILL }

FILED

74

OCT 30 2015

STATE'S NOTICE OF DISCOVERY COMPLIANCE

*Myla A. Fendge*  
 CLERK OF THE MARION CIRCUIT COURT

*The State of Indiana informs the Court that it has previously complied with the Court's order on discovery by providing defense counsel with the items listed in the State's Notice of Discovery Compliance. The State of Indiana further notifies the Court that it has learned of additional items subject to discovery and has provided defense counsel with the following items:*

- Charging Information, 2 page(s):
- Probable Cause Affidavit, 6 page(s):
- Criminal History Report, 7 page(s):
- Certification of Indiana Official Driver Record, 4 page(s):
- Certification of Indiana Registration Record, VIN #KNDUP131036409172, 3 page(s):
- IMPD Incident Report, #PD15123628, 8 page(s):
- IMPD Field Arrest Report, Arrest #AR-IMPD1525309, 3 page(s):
- Division of Public Safety Communications Call Report, Call #152970319, 2 page(s):
- Photographs are available by any of the following means: (1) to eliminate expense and in keeping up with this office's open file policy, the photographs may be viewed by contacting the assigned deputy prosecutor; or (2) original photographs are available by contacting the IMPD photo unit and referencing agency case number PD15123628:



Annie Chey  
 Deputy Prosecuting Attorney

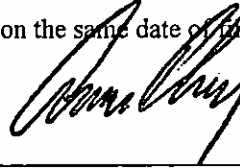
CERTIFICATION OF SERVICE

This is to certify that a copy of the State's notice of Discovery Compliance has been served upon the attorney for the defendant( Jan Phung - PD )by:

   way of personal service

X by placing said Notice in the Public Defender's mailbox

   or by sending postage prepaid United States First Class mail on the same date of filing.



Annie Chey  
Deputy Prosecuting Attorney  
251 East Ohio Street, Suite 160  
Indianapolis, IN 46204  
317-327-5324

court

**APPEARANCE FORM (CRIMINAL) - STATE OF INDIANA**

Cause Number: 49G201510F4038191

1. Initiating Party: State of Indiana
2. Agency Case Number: PD15120246
3. Name of Defendant: Willie Hemphill

Transaction Control Number (TCN): Not Available

State I.D. Number: Not Available

Case Type Requested:

Levels: F2 F3 **F4** F5 F6

5. Prosecuting Attorney Information:

**Major Case Division**

**D Felony Division**

**Domestic Violence  
Division:**

**Traffic Division:**

Terry Curry	Terry Curry	Terry Curry	Terry Curry
Marion County Prosecutor	Marion County Prosecutor	Marion County Prosecutor	Marion County Prosecutor
251 E. Ohio St., Suite 160	251 E. Ohio St., Suite 160	251 E. Ohio St., Suite 160	251 E. Ohio St., Suite 160
Indianapolis, IN 46204	Indianapolis, IN 46204	Indianapolis, IN 46204	Indianapolis, IN 46204
Tx: (317) 327-5336	Tx: (317) 327-5336	Tx: (317) 327-5336	Tx: (317) 327-5336
Fax: (317) 327-5409	Fax: (317) 327-5409	Fax: (317) 327-5409	Fax: (317) 327-5409
Attorney No.: 3481-49	Attorney No.: 3481-49	Attorney No.: 3481-49	Attorney No.: 3481-49

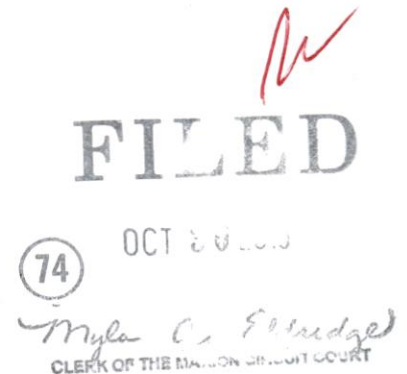
Assigned Deputy: ANNIE CHEY

Phone Number: 327-5324

Attorney Number: 28497-49

Email: ANNIE.CHEY@INDY.GOV

6. Will the State accept service by FAX: No
7. Are there related cases?





STATE OF INDIANA  
COUNTY OF MARION

)  
) SS:  
)

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA,  
Plaintiff,

v.

WILLIE HEMPHILL,  
Defendant.

FILED

CAUSE: 49G20-1510-F4-038191

(6)

NOV 9 2015

MG

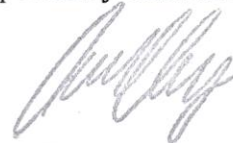
*Myles A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**STATE'S NOTICE OF INTENT TO USE OTHER CRIMES EVIDENCE**

Comes now the State of Indiana, by its deputy prosecutor, and pursuant to Rule 609 of the Indiana Rules of Evidence, notifies the defendant of its intent to introduce evidence of other crimes, specifically:

1. Evidence that the defendant was arrested and later convicted of Theft, as a Class D Felony in the State of Indiana Grant County Superior Court 2 under cause number 27D02-0909-FD-000108 on or about October 14, 2009 and any evidence thereof.

Respectfully submitted,

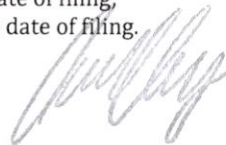


Annie Chey, 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of this filing has been served upon the attorney for the defendant, Ian Fleming, 151 N. Delaware St., Suite 200, Indianapolis, IN 46204:

- ☐ by way of personal service;  
☒ by placing said Notice in the Public Defender's mailbox on the same date of filing;  
☐ by sending postage prepaid United States First Class mail on the same date of filing.



Annie Chey, 28497-49  
Deputy Prosecuting Attorney

STATE OF INDIANA  
COUNTY OF MARION

STATE OF INDIANA,  
Plaintiff,

v.

WILLIE HEMPHILL,  
Defendant.

)  
) SS:

**FILED**

(6)

NOV 9 2015

MG

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

CAUSE: 49G20-1510-F4-038191

**MOTION TO COMPEL DEFENDANT TO GIVE BUCCAL SWAB SAMPLE**

The State of Indiana moves the Court for an order requiring that defendant, Willie Hemphill, in the above-entitled cause to present himself for the taking of necessary DNA samples for the following good and sufficient reasons:

1. The defendant has been charged with Unlawful Possession of a Firearm by a Serious Violent Felon as a Level 4 Felony.
2. Physical evidence was recovered during the investigation of this case.
3. The state wishes to request DNA testing of said evidence.
4. A buccal swab from the defendant is necessary to conduct the DNA testing.
5. This testing is necessary for the State to prepare its case.

WHEREFORE, the State respectfully requests the Court to order production of the Defendant, for obtaining necessary samples to conduct DNA testing at a time prior to trial.

Respectfully submitted,



Annie Chey, 28497-49  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT

CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA, )  
Plaintiff, )  
 )  
v. )  
 )  
Willie Hemphill, )  
Defendant. )

CAUSE: 49G20-1510-F4-038191

**FILED**

NOV 10 2015 (145)

**ORDER**


*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

The State of Indiana, having filed its Motion to Compel Defendant to Give Buccal Swab Sample, and the Court, having read and carefully considered the motion, now finds that it should be GRANTED.

It is therefore ORDERED that defendant, Willie Hemphill, make himself available prior to trial for a member of law enforcement to obtain a buccal swab sample for DNA testing.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED.

Dated: 11-9-15

  
Judge, Marion County Superior Court  
Criminal Division, Room 20

*X*

Distribution:

Marion County Prosecutor's Office  
251 East Ohio Street, Suite 160  
Indianapolis, Indiana 46204

Ian Fleming

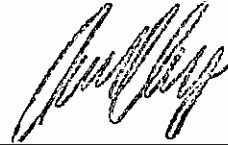
**CERTIFICATE OF SERVICE**

This is to certify that a copy of this filing has been served upon the attorney for the defendant, Ian Fleming, 151 N. Delaware St., Suite 200, Indianapolis, IN 46204:

☐ by way of personal service;

☒ by placing said Notice in the Public Defender's mailbox on the same date of filing;

☐ by sending postage prepaid United States First Class mail on the same date of filing.



Annie Chey, 28497-49  
Deputy Prosecuting Attorney  
251 East Ohio Street, Suite 160  
Indianapolis, IN 46204

STATE OF INDIANA  
COUNTY OF MARION

STATE OF INDIANA  
VS.

WILLIE HEMPHILL

)  
)SS:

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM NO. 20  
CAUSE NO. 49G20-1510F4038191

**FILED**

(6)

NOV 17 2015

*Myla A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

STATE'S SUPPLEMENTAL NOTICE OF DISCOVERY COMPLIANCE

The State of Indiana hereby notifies the Court that it has previously complied with the Court's order on discovery by providing defense counsel with the items listed in the State's Notice of Discovery Compliance. The State of Indiana further notifies the Court that it has learned of additional items subject to discovery and has provided defense counsel with the following items:

1. Certified Copy of Search Warrant to obtain and remove a blood sample from Willie J. Hemphill; 5 pages



ANNIE CHEY

Deputy Prosecuting Attorney

Marion County Prosecutor's Office  
251 East Ohio Street, Suite 160  
Indianapolis, Indiana 46204-3363  
(317) 327-5327

CERTIFICATE OF SERVICE

         -- This is to certify that a copy of the State's Notice of Supplemental Discovery has been served upon attorney Ian M Fleming, Public Defender

         by way of personal service;  
  X   by placing said Motion in the Public Defender's mailbox;  
         or by sending postage prepaid United States First Class mail on the same date of filing.



ANNIE CHEY  
Deputy Prosecuting Attorney



STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA, )  
Plaintiff, )  
 )  
v. )  
 )  
WILLIE HEMPHILL, )  
Defendant. )

CAUSE: 49G20-1510-F4-038191

**FILED**

DEC 07 2015

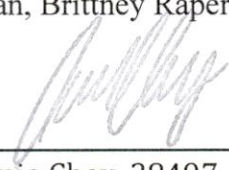
74

*Mylan A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**STATE'S SUPPLEMENTAL NOTICE OF DISCOVERY COMPLIANCE**

The State of Indiana tenders this supplemental notice of discovery compliance to inform the Court and Defense of the following item(s) that have become known to the State that the State may use at trial or are otherwise required to be discovered pursuant to local rule, the Indiana Rules of Criminal Procedure, or state or federal law.

1. Laboratory Examination Report LAB15-05902, Agency Case #DP15123628, 1 Page.
2. The State of Indiana may call Latent Print Technician, Brittney Raper, as a witness.

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the State's Notice of Discovery Compliance has been served upon the attorney for the defendant, Ian Fleming, 151 N. Delaware St., Suite 200, Indianapolis, IN 46204:

- ☐ by way of personal service  
☒ by placing said Notice in the Public Defender's mailbox on the same date of filing  
☐ by sending postage prepaid United States First Class mail on the same date of filing

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney  
251 East Ohio Street, Suite 160  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA, )  
Plaintiff, )  
 )  
v. )  
 )  
WILLIE HEMPHILL, )  
Defendant. )

CAUSE: 49G20-1510-F4-038194

**FILED**

74

DEC 07 2015

**STATE'S SUPPLEMENTAL NOTICE OF DISCOVERY COMPLIANCE**

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

The State of Indiana tenders this supplemental notice of discovery compliance to inform the Court and Defense of the following item(s) that have become known to the State that the State may use at trial or are otherwise required to be discovered pursuant to local rule, the Indiana Rules of Criminal Procedure, or state or federal law.

1. Laboratory Examination Report LAB15-05902, Agency Case #DP15123628, 1 Page.
2. The State of Indiana may call Forensic Scientist, Dirk Shaw, as a witness.

*Annie Chey*  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the State's Notice of Discovery Compliance has been served upon the attorney for the defendant, Ian Fleming, 151 N. Delaware St., Suite 200, Indianapolis, IN 46204:

- ☐ by way of personal service  
☒ by placing said Notice in the Public Defender's mailbox on the same date of filing  
☐ by sending postage prepaid United States First Class mail on the same date of filing

*Annie Chey*  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney  
251 East Ohio Street, Suite 160  
Indianapolis, IN 46204



STATE OF INDIANA )  
 )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM NO. 20

SS:

STATE OF INDIANA )  
 )  
VS. )  
 )  
WILLIE HEMPHILL )

CAUSE NO.: 49G20-1510-F4-03819107 2015

**FILED**

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

STATE'S MOTION FOR CONTINUANCE PURSUANT TO CR 4(D)

The State of Indiana respectfully requests a continuance of the above-entitled cause set for trial for the following good and sufficient reasons:

1. This matter is set for jury as an early trial on December 17<sup>th</sup>, 2015 at 8:30 a.m.;
2. The Defendant is charged with Ct. 1 Unlawful Possession of a Firearm by a Serious Violent Felon / F4, Resisting Law Enforcement / F6 and Resisting Law Enforcement / MA;
3. On November 10<sup>th</sup>, 2015 the Court granted the State's request to Compel the Defendant to Give a Buccal Swab sample;
4. The DNA results would be dispositive of Ct. 1 Unlawful Possession of a Firearm by a Serious Violent Felon / F4;
5. The State contacted the Indianapolis - Marion County Forensic Services Agency, more commonly known as the "Crime Lab" and confirmed that DNA testing and analysis will not be completed by the jury trial date of December 17<sup>th</sup>. The Crime Lab is currently backlogged with cases. Additionally, the entire DNA section of the Crime lab will be in mandatory training all next week (Dec. 14-18) which will slow down completion of all requests for DNA testing and analysis;

6. The Crime Lab has requested this case be continued out until mid to late January 2016 so DNA testing and analysis can be completed;

7. Therefore, the State will be unable to proceed on this matter;

8. Criminal Rule 4 (D) states:

**(D) Discharge for delay in trial--When may be refused--Extensions of time.** If when application is made for discharge of a defendant under this rule, the court be satisfied that there is evidence for the state, which cannot then be had, that reasonable effort has been made to procure the same and there is just ground to believe that such evidence can be had within ninety (90) days, the cause may be continued, and the prisoner remanded or admitted to bail; and if he be not brought to trial by the state within such additional ninety (90) days, he shall then be discharged.

9. The State requests that this matter be continued pursuant to Criminal Rule 4(D). The State is certain that results can be produced within an additional ninety (90) days as the Crime Lab has requested this case be continued out until mid to late January 2016;

10. Accordingly, the State respectfully requests that this case be re-set for trial on any day after January 31<sup>st</sup>, 2016;

11. This is the first jury trial setting in this matter, and the State's first motion for a continuance;

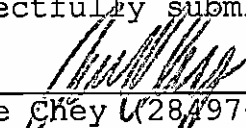
12. The Defendant is in custody;

13. The State tenders this motion only to ensure proper representation and not for any dilatory purpose;

14. The State contacted defense counsel, Ian Fleming, and he objects to this continuance on the basis of Criminal Rule 4;


WHEREFORE, the State of Indiana and Defendant respectfully request a continuance for the above-captioned cause.

Respectfully submitted,

  
\_\_\_\_\_  
Annie Chey (28497-49)  
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the above State's Motion for Continuance has been served upon the attorney for the defendant, Ian Fleming, by placing said copy in the Public Defender's mailbox on the same date of filing.

  
\_\_\_\_\_  
Annie Chey (28497-49)  
Deputy Prosecuting Attorney

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR  
CRIMINAL COURT 20  
CRIMINAL DIVISION, ROOM E439

STATE OF INDIANA

vs.

WILLIE HEMPHILL B/Male  
DOB 9/10/1971

Cause No: 49G20-1510-F4-038191

AMENDED INFORMATION

COUNT I

UNLAWFUL POSSESSION OF A  
FIREARM BY A SERIOUS VIOLENT  
FELON

I.C. 35-47-4-5(c)

A LEVEL 4 FELONY

COUNT II

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(3)

A LEVEL 6 FELONY

COUNT III

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(1)

A CLASS A MISDEMEANOR

COUNT IV

OPERATING A VEHICLE WHILE  
INTOXICATED ENDANGERING A  
PERSON

I.C. 9-30-5-2(a)

A CLASS A MISDEMEANOR

COUNT V

OPERATING A VEHICLE WITH AN ACE  
OF .15 OR MORE

I.C. 9-30-5-1(b)

A CLASS A MISDEMEANOR

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

On or about October 24, 2015, WILLIE HEMPHILL having previously been convicted of a serious



violent felony, to-wit: Battery With Bodily Injury as a C Felony in Grant County Court Room D02 under cause number 27D020406FB69, did possess a firearm, to-wit: a handgun;

COUNT II

On or about October 24, 2015, WILLIE HEMPHILL did knowingly flee from Michael Phillips, a law enforcement officer, after said officer identified himself by visible or audible means and visibly or audibly ordered said defendant to stop and in committing said act the defendant used a vehicle;

COUNT III

On or about October 24, 2015, WILLIE HEMPHILL did knowingly or intentionally forcibly resist, obstruct or interfere with Michael Phillips AND/OR Michael Deskins, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer;

COUNT IV

On or about October 24, 2015, at approximately the area of 25 N. Gray St, WILLIE HEMPHILL did operate a vehicle while intoxicated in such a manner that a person was endangered;

COUNT V

On or about October 24, 2015, at approximately the area of 25 N. Gray St., WILLIE HEMPHILL did operate a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per 100 milliliters of said defendant's blood

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

  
Affiant

December 28, 2015

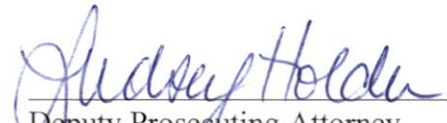
Date

**TERRY R. CURRY**  
Marion County Prosecutor

State's Witnesses:

MICHAEL RAY ANDERSON  
MICHAEL WAYNE DESKINS  
MARK EDWARD MCCARDIA  
MICHAEL WILLIAM PHILLIPS  
ANN C POPCHEFF  
BRITTNEY M RAPER  
Michael Phillips  
SHAWN DELANEY

19th Judicial Circuit

  
Deputy Prosecuting Attorney





In the Matt. of Cause # 49G20-151-4-038191  
State of Indiana Vs. Willie Hemphill

This Petition is being sent to the Following:

- 1) Judge: David M. Seiter
- 2) Prosecutor: Annie Chey, 28497-49
- 3) Attorney At Law: Ian Fleming, PD

**FILED**

⑥ JAN 07 2016 *MA*

*Myra A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

Due to the fact that my Attorney; Ian Fleming Refuse to file anything in my behalf as Requested; Not even Depositions, Criminal Rule 4-Release, OR Additional Discovery such as All Audio and Video-Body Cameras + Dash Cameres; as well as other written filings (Cause # 49G20-1510-MC-037858) and Pictures taken by Police. When there are Numerous Inconstancy in Sworn Statements.

I, Willie Hemphill #683723; Pro Se - Along With Counsel Ian Fleming; PD Phone # 317-327-2806; Do Request the Following:

A Franks Hearing to Exclude Warrant; A Hearing to Impeach and Exclude Witness Rule 608; A motion to Suppress - Fruit of the Poisonous Tree - Fourth Amendment Violations and A motion to Dismiss.

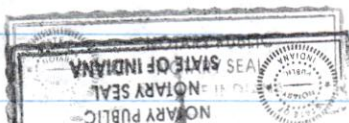
In Support here are 3-Sworn Statements made by Police giving 3-different Location of an Alleged Traffic Infraction which is the Basis of this entire case - Location and Allegation were Falsified in order to acquire Probable Cause and Search Warrants - This is Malicious Prosecution and A Miscarriage of Justice by Police. This was a Alley to Alley turn made - Not A Public Street (See Pictures of Actual Vehicle and Alley to Alley - Attorney Fleming has originals) Also See Sworn Statements.

There for I Pray the Court Officers grant All Just and Proper Relief in the Interest of Justice

Sign: Willie Hemphill

Dated: 12-26-2015

*Candace N. Shro*  
*ex: June 4 2022*  
*Marion County*



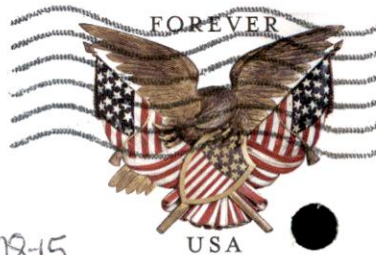


Willie Hemphill #683723

730 East Washington Street  
Indianapolis, IN 46202

INDIANAPOLIS IN 460

28 DEC 2015 PM 1 L



Legal Mail 12-28-15

C/o Court Clerk; Myla A. Eldridge  
To: Judge David M. Seiter  
Marion Superior Court - 20  
Room: E 439

Indianapolis, IN 46204

46204\$9999



STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )  
  
STATE OF INDIANA )  
 )  
 v )  
 )  
WILLIE HEMPHILL )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 120

**FILED**

6

JAN 07 2016

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

CAUSE NO: 49G20-1510-F4-038191

*Handwritten notes:*  
4/11/16  
1/16/16  
1/8/16  
MCA

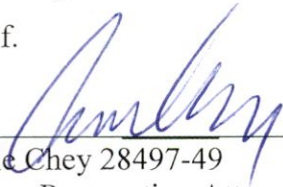
**STATE'S MOTION TO AMEND COUNT III & ADD COUNTS IV, V**

The State of Indiana respectfully requests leave to amend Count III & add Counts IV & V of the originally filed charging information. In support of said Motion, the State would allege:

1. Defendant was arrested on October 24, 2015 on charges that were filed on October 27, 2015 as follows:
  - 01 Unlawful Possession of a Firearm by a Serious Violent Felon / F4
  - 02 Resisting Law Enforcement / F6
  - 03 Resisting Law Enforcement / MA
  - 04 Operating a Vehicle While Intoxicated / MA
  - 05 Operating a Vehicle with an ACE of .15 or more / MA
2. The Omnibus date for the above matter was December 1<sup>st</sup>, 2015.
3. This matter is set for a Jury Trial on January 21<sup>st</sup>, 2016.
4. The State now seeks to amend the originally filed charging information by amending Count III & adding Counts IV & V.
5. Due to a scrivener's error, Count III should have included Officer Michael Deskins as an additional officer who the Defendant resisted from. So, the State is moving to amend Count III by adding the appropriate language.
6. Additionally, due to a scrivener's error, Count IV & V should have been originally included in the initial charging information but was inadvertently not filed.
7. The amendment and additional charges on Counts III, IV & V are supported by the Probable Cause Affidavit and confirmatory lab report of the Defendant's Blood Alcohol Content, filed with the Court on December 7<sup>th</sup>, 2015 and provided to the defense.
8. This amendment does not prejudice the substantial rights of the defendant because they are supported by the facts alleged in the probable cause affidavit in this matter.
9. The attorney for the Defendant, Ian Fleming, **does not** object to these amendments and additions.

10. Please see the attached charging information.

WHEREFORE, the State respectfully requests that the Court grant said Motion to amend Count III and add Counts IV & V, and for all other just and proper relief.

  
Annie Chey 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE:**


This is to certify that undersigned counsel has served a copy of this motion or discovery compliance upon opposing counsel, Ian Fleming, MCPDA, by means of:

☐ personal service

☒ leaving in the PD's mailbox

☐ by sending postage prepaid United States first class mail

on the same date of filing.

  
Annie Chey 28497-49  
Deputy Prosecutor

STATE OF INDIANA )  
COUNTY OF MARION )SS:  
STATE OF INDIANA )  
vs. )  
WILLIE HEMPHILL )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM NO. 20  
CAUSE NO: 49G20-1510-F4-038191

74

JAN 11 2016

*Myra A. Edwards*  
CLERK OF THE MARION CIRCUIT COURT

STATE'S SUPPLEMENTAL NOTICE OF DISCOVERY COMPLIANCE

The State of Indiana hereby notifies the Court that it has previously complied with the Court's order on discovery by providing defense counsel with the items listed in the State's Notice of Discovery Compliance. The State of Indiana further notifies the Court that it has learned of additional items subject to discovery and has provided defense counsel with the following items:

1. Certified Copy of Prior Conviction Paperwork for Cause Number 27D02-0406-FB-69, 11 page(s);
2. Certified Copy of IMPD Booking Information of Willie Hemphill, dated October 24, 2015, 1 page(s);
3. Certified Copy of Officer's Arrest Report (OAR) for Cause 49G20-1510-F4-038191, 2 page(s);



Annie Chey  
Deputy Prosecuting Attorney

Marion County Prosecutor's Office  
251 East Ohio Street, Suite 160  
Indianapolis, Indiana 46204-3363  
(317) 327-5324



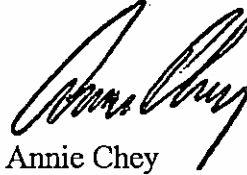
CERTIFICATE OF SERVICE

This is to certify that a copy of the State's Notice of Supplemental Discovery has been served upon the attorney for the defendant (Ian Fleming-PD) by:

\_\_\_\_\_ way of personal service

  x   by placing said Motion in the Public Defender's mailbox

\_\_\_\_\_ or by sending postage prepaid United States First Class mail on the same date of filing.



Annie Chey  
Deputy Prosecuting Attorney

2/16 am

STATE OF INDIANA )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA,  
Plaintiff,

v.

WILLIE HEMPHILL,  
Defendant.

**FILED**

JAN 15 2016

143

CAUSE: 49G20-1510-F4-038191

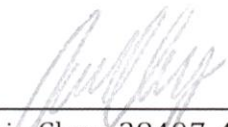
*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

C.D.

**STATE'S SUPPLEMENTAL NOTICE OF DISCOVERY COMPLIANCE**

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1. Laboratory Examination Report LAB15-05902, Agency Case #DP15123628, 1 Page.
2. The State of Indiana may call Forensic Scientist, Shannin Guy , as a witness.

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the State's Notice of Discovery Compliance has been served upon the attorney for the defendant, Ian Fleming, 151 N. Delaware St., Suite 200, Indianapolis, IN 46204:

- ☐ by way of personal service  
☒ by placing said Notice in the Public Defender's mailbox on the same date of filing  
☐ by sending postage prepaid United States First Class mail on the same date of filing

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney  
251 East Ohio Street, Suite 160  
Indianapolis, IN 46204

STATE OF INDIANA  
COUNTY OF MARION

) IN THE MARION COUNTY SUPERIOR COURT  
) SS: CRIMINAL DIVISION, COURT NO. G20  
) CAUSE NUMBER: 49G20-1510-F4-038191

STATE OF INDIANA,  
vs.  
WILLIE HEMPHILL,

**FILED**

(71) JAN 15 2016

*Myla A. Eldridge*  
CLERK

**EMERGENCY**

**MOTION TO VACATE JURY, SET GUILTY PLEA AND SENTENCING HEARING,  
AND REQUEST FOR PRE-SENTENCE INVESTIGATION REPORT**

Comes now the Defendant, Willie Hemphill, by counsel, Ian M. Fleming, and herein moves the Court to vacate the jury trial set for January 21, 2016, to set this matter for a guilty plea and sentencing hearing and to order a Pre-Sentence Investigation ("PSI"). In support of this request, the defendant would state the following:

1. Mr. Hemphill is set for jury trial on January 21, 2016
2. A plea agreement has been negotiated and between the parties, and a PSI will be necessary because he is pleading to a level 5 felony;
3. The PSI will not be complete by January 21, 2016, requiring that this matter be set out for guilty plea and sentencing;

WHEREFORE, the defendant respectfully moves this Court to vacate the jury trial set on January 21, 2016, to set this matter for a guilty plea and sentencing hearing and to order a PSI and for all other relief just in the premises.

Respectfully submitted,

Marion County Public Defender Agency  
151 N. Delaware, Suite 200  
Indianapolis, IN 46204  
Ph# 317-327-2806

By

*I. M. Fleming*

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )  
STATE OF INDIANA )  
 )  
V )  
 )  
WILLIE HEMPHILL )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

**FILED**

(6)

JAN 19 2016

MC

CAUSE NUMBER: 49G20-1510-F4038191

*Myra A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**STATE'S MOTION TO AMEND THE INFORMATION BY AMENDING COUNT III & ADDING COUNT IV FOR PURPOSES OF A PLEA AGREEMENT**

The State of Indiana, by its Deputy Prosecuting Attorney, moves to amend the Information by adding the following count:

Count 4      Offense: **CHWOL/F5** \_\_\_\_\_ Offense Code Citation: **I.C. 35-47-2-1(e)(2)(B)**

In support of this motion, the State would offer the following:

1. The Defendant is pleading guilty to Count 4 as part of a plea agreement.
2. The Defendant is pleading guilty to Count 3 as part of the plea agreement. Due to a scrivener's error by omission, Count 3 should have had language including Officer Michael Deskins as another law enforcement officer the Defendant resisted from.
3. The attorney for the Defendant, Ian Fleming, does not object to these amendments.


WHEREFORE the State of Indiana requests the Court to grant said Motion to Amend the Information as requested for purposes of a plea agreement only.



Annie Chey 28497-49  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been delivered to counsel for Defendant, Ian Fleming, by placing a copy in the Marion County Public Defender Agency designated courtroom mailbox on the date this notice was filed.



Annie Chey 28497-49  
Deputy Prosecuting Attorney

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR  
CRIMINAL COURT 20  
CRIMINAL DIVISION, ROOM E439

STATE OF INDIANA )

Cause No: 49G20-1510-F4-038191

vs. )

AMENDED INFORMATION

COUNT I

UNLAWFUL POSSESSION OF A  
FIREARM BY A SERIOUS VIOLENT  
FELON

I.C. 35-47-4-5(c)

A LEVEL 4 FELONY

WILLIE HEMPHILL B/Male  
DOB 9/10/1971

COUNT II

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(3)

A LEVEL 6 FELONY

COUNT III

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(1)

A CLASS A MISDEMEANOR

COUNT IV

CARRYING A HANDGUN WITHOUT A  
LICENSE

I.C. 35-47-2-1

A CLASS A MISDEMEANOR

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

On or about October 24, 2015, WILLIE HEMPHILL having previously been convicted of a serious violent felony, to-wit: Battery With Bodily Injury as a Class C Felony in Grant County Court Room D02 under cause number 27D020406FB69, did knowingly or intentionally possess a firearm, to-wit: a handgun;

COUNT II



On or about October 24, 2015, WILLIE HEMPHILL did knowingly flee from Michael Phillips, a law enforcement officer, after said officer identified himself by visible or audible means and visibly or audibly ordered said defendant to stop and in committing said act the defendant used a vehicle;

COUNT III

On or about October 24, 2015, WILLIE HEMPHILL did knowingly or intentionally forcibly resist, obstruct or interfere with Michael Phillips AND/OR Michael Deskins, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer;

COUNT IV

On or about October 24, 2015, WILLIE HEMPHILL did knowingly carry a handgun in a vehicle or on or about his person, without being licensed as required by law;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

  
\_\_\_\_\_  
Affiant

January 19, 2016  
Date

**TERRY R. CURRY**  
Marion County Prosecutor  
19th Judicial Circuit

  
\_\_\_\_\_  
Deputy Prosecuting Attorney

State's Witnesses:  
MICHAEL RAY ANDERSON  
MICHAEL WAYNE DESKINS  
SHANNIN N GUY  
MARK EDWARD MCCARDIA  
MICHAEL WILLIAM PHILLIPS  
ANN C POPCHEFF  
BRITTANY M RAPER  
Michael Phillips  
SHAWN DELANEY

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR  
CRIMINAL COURT 20  
CRIMINAL DIVISION, ROOM E439

STATE OF INDIANA

vs.

WILLIE HEMPHILL B/Male  
DOB 9/10/1971

Cause No: 49G20-1510-F4-038191

INFORMATION  
PART II OF COUNT IV  
CARRYING A HANDGUN WITHOUT A  
LICENSE

LEVEL 5 FELONY  
I.C. 35-47-2-1(e)(2)(B)

The undersigned affiant does hereby swear or affirm under the penalties of perjury that:

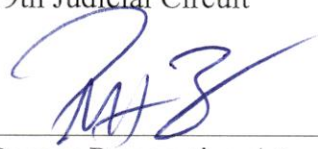
WILLIE HEMPHILL, on or about October 24, 2015, had previously been convicted of a felony within fifteen (15) years before the date of this offense, that is: Battery With Bodily Injury as a Class C Felony in Grant County Court Room D02 under cause number 27D020406FB69 on or about August 29, 2005.

All of which is contrary to the laws of the State of Indiana.

  
\_\_\_\_\_  
Affiant

January 19, 2016  
\_\_\_\_\_  
Date

State's Witnesses:  
Marion County Clerk  
Keeper of Records, IMPD  
Keeper of Records, Indiana DOC  
Fingerprint Examiner, IMPD

**TERRY R. CURRY**  
Marion County Prosecutor  
19th Judicial Circuit  
  
\_\_\_\_\_  
Deputy Prosecuting Attorney

STATE OF INDIANA ) IN THE MARION COUNTY SUPERIOR COURT  
 ) SS: CRIMINAL DIVISION, COURT NO. G20  
COUNTY OF MARION ) CAUSE NUMBER: 49G20-1510-F4-038191

STATE OF INDIANA, )

vs. )

WILLIA HEMPHILL, )

**FILED**

(247)

JAN 19 2016

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**ORDER**

Comes now the Defendant, Willie Hemphill, by counsel, Ian M. Fleming, and this matter having come before the Court on Defendant's Motion, and the Court having examined said Motion and being duly advised in the premises, does now grant same in all respects.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the jury trial set for January 21, 2016 is hereby vacated and this matter is set for a hearing on guilty plea and sentencing on the 16<sup>th</sup> day of Feb, 2016 at 10:30 am  
a.m./p.m.


**IT IS FURTHER ORDERED**, that the Marion County Probation Department is to conduct a Pre-Sentence Investigation and prepare a report to be filed with the Court no later than the Guilty Plea & Sentencing date.

Dated: 1-19-16

  
JUDGE, MARION COUNTY SUPERIOR COURT  
CRIMINAL DIVISION, COURT NO. G20

**DISTRIBUTION**

Annie Chey, Marion County Prosecutor's Office  
Ian M. Fleming, Marion County Public Defender Agency



STATE OF INDIANA  
COUNTY OF MARION  
STATE OF INDIANA

)  
) SS:  
**FILED**

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

JAN 20 2016 (145)

v

WILLIE HEMPHILL

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

CAUSE NO: 49G20-1510-F4-038191

ORDER

The Court now having reviewed State's Motion to Amend Count III and Add Count IV:

(H.I.)

Now finds that said Motion should be GRANTED.

Court Sets an Initial Hearing on Counts III & IV for the 16<sup>th</sup> day of

Feb 2016 at 10<sup>30</sup> am pm.

  
JUDGE, Marion Superior Court  
Criminal Division, Room 20

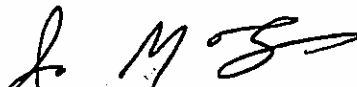
Dated: \_\_\_\_\_

Distribution:  
Court File  
Annie Chey, Deputy Prosecutor, MCPO  
Ian Fleming, MCPDA

Ian M. Fleming (Atty # 30615-49)  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the Marion County Prosecutor, by placing a copy of the same in the Prosecutor's Box of this Court, by delivering a copy of same to one of his duly appointed deputies, or by delivering a copy of same to his office, 251 E. Ohio Street, Suite 160 Indianapolis, Indiana 46204 on or before the date of filing.

  
\_\_\_\_\_  
Ian M. Fleming, Attorney for Defendant



STATE OF INDIANA )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

STATE OF INDIANA, )  
Plaintiff, )

v. )

WILLIE HEMPHILL, )  
Defendant. )

**FILED**

CAUSE: 49G20-1510-F4-038191

(89)

FEB 16 2016

*Myra A. Eldridge*  
CLERK OF THE MARION SUPERIOR COURT  
**PLEA AGREEMENT**

The Defendant, in person and by counsel, Ian Fleming, and the State of Indiana, hereby enters into this plea agreement made pursuant to negotiations. The parties agree as follows:

1. This agreement, signed by the Defendant, Defense Counsel, and the Deputy Prosecuting Attorney assigned to the above case, shall be introduced into evidence by stipulation of all the parties at the time of the guilty plea.
2. Defendant enters into this agreement knowing that the Court has the authority to accept or reject the agreement and understands that the Court may take the Defendant's criminal record into consideration in determining whether to accept or reject this plea agreement.
3. The Defendant agrees to plead guilty to:
  - 003 RESISTING LAW ENFORCEMENT / MA
  - 004 CARRYING A HANDGUN WITHOUT A LICENSE / F5
4. At the time of sentencing, the State will dismiss:
  - 001 UNLAWFUL POSSESSION OF FIREARM BY SERIOUS VIOLENT FELON / F4
  - 002 RESISTING LAW ENFORCEMENT / F6
5. At the time of the taking of the guilty plea and again at the time of the Defendant's sentencing, the State reserves the right to question witnesses and comment on any evidence presented upon which the Court may rely to determine the sentence to be imposed; to present testimony or statements from the victim(s) or victim representative(s), and the State of Indiana and the Defendant agrees that the Court shall impose the following sentence:

a. Ct. 4 – CHWOL / F5

i. A total determinate sentence of one (1) year;

1. One (1) year executed to be served in the Indiana Department of Corrections;

b. Ct. 3 – RLE / MA

i. A total determinate sentence of one (1) year;

1. One (1) year executed to be served in the Indiana Department of Corrections;

c. Counts 3 to run concurrent with Ct. 4;

d. Parties agree that the Court shall order the destruction of any firearms and/or ammunition seized under this instant cause and under agency case number DP15123628, which is to include a Cobra Arms .380 handgun, Serial # FS035003;

e. All other aspects of the Defendant's sentence shall be determined by the Court, after argument by the parties

6. Defendant hereby waives the right to appeal any sentence imposed by the Court, including the right to seek appellate review of the sentence pursuant to Indiana Appellate Rule 7(B), so long as the Court sentences the defendant within the terms of this plea agreement (WH).

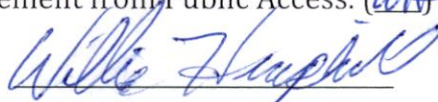
7. The Defendant acknowledges that the State's recommendation, or agreement to make no recommendation, is based on the Defendant's criminal history known to the Deputy Prosecutor representing the State at the time this agreement is executed and who entered into the agreement. In the event that such information is incomplete, that a further or more accurate criminal history is discovered prior to the entry of judgment or the defendant is charged with the commission of another offense prior to sentencing, the State reserves the right to unilaterally withdraw from this agreement at any time prior to the entry of judgment herein. I.C. 35-38-1-17 (WH).

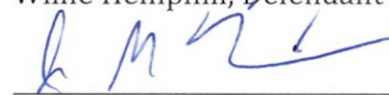
8. The Defendant understands and acknowledges by his/her initials that if this agreement is accepted by the Court, the Defendant will give up the following rights:

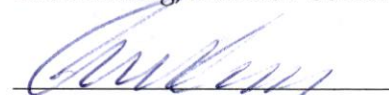
- WH (a) the right to a public and speedy trial by jury;
- WH (b) the right to confront and cross examine the witnesses against him/her;
- WH (c) the right to have compulsory process for obtaining witnesses in his/her favor;

- WTH (d) the right to require the State to prove his/her guilt beyond a reasonable doubt;
- WTH (e) the right to remain silent and the right not to be compelled to testify against oneself;
- WTH (f) the right to present evidence on one's own behalf and to be presumed innocent until proven guilty beyond a reasonable doubt;
- WTH (g) the right to appeal the conviction(s).

9. The Defendant further acknowledges that entry of a guilty plea pursuant to this agreement constitutes an admission of the truth of all facts alleged in the charge or counts to which the Defendant pleads guilty and that entry of the guilty plea will result in a conviction on those charges or counts (WTH).
10. The Defendant acknowledges satisfaction with Defense Counsel's representation and competency in this matter (WTH). The Defendant believes this agreement to be in the Defendant's best interest (WTH).
11. The Defendant acknowledges that he/she has a right to pursue post-conviction relief, if there is a legal and factual basis to do so, and that entering a guilty plea herein does not operate as a waiver of that right. (WTH).
12. The Defendant affirms that if he/she is not a citizen of the United States, he/she wishes to enter a guilty plea even if a conviction in this case results in deportation, denial of re-entry, prohibition of citizenship, or loss of any future immigration benefit. (WTH).
13. This agreement embodies the entire agreement between the parties and no promises or inducements have been made or given to the Defendant by the State which is not part of this written agreement. (WTH).
14. Pursuant to Administrative Rule 9(G)(6)(a) and I.C. 35-33-3-3, the Defendant and the State waive the right to exclude the pending plea agreement from Public Access. (WTH)

  
Willie Hemphill, Defendant

  
Ian Fleming, Defense Counsel

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney

STATE OF INDIANA  
COUNTY OF MARION

STATE OF INDIANA,  
Plaintiff,

v.

WILLIE HEMPHILL,  
Defendant.

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 20

**FILED**

(89) FEB 16 2016

*Myra A. Edmond*  
CLERK OF THE MARION CIRCUIT COURT

CAUSE: 49G20-1510-F4-038191

**PLEA AGREEMENT**

The Defendant, in person and by counsel, Ian Fleming, and the State of Indiana, hereby enters into this plea agreement made pursuant to negotiations. The parties agree as follows:

1. This agreement, signed by the Defendant, Defense Counsel, and the Deputy Prosecuting Attorney assigned to the above case, shall be introduced into evidence by stipulation of all the parties at the time of the guilty plea.
2. Defendant enters into this agreement knowing that the Court has the authority to accept or reject the agreement and understands that the Court may take the Defendant's criminal record into consideration in determining whether to accept or reject this plea agreement.
3. The Defendant agrees to plead guilty to:
  - 003 RESISTING LAW ENFORCEMENT / MA
  - 004 CARRYING A HANDGUN WITHOUT A LICENSE / F5
4. At the time of sentencing, the State will dismiss:
  - 001 UNLAWFUL POSSESSION OF FIREARM BY SERIOUS VIOLENT FELON / F4
  - 002 RESISTING LAW ENFORCEMENT / F6
5. At the time of the taking of the guilty plea and again at the time of the Defendant's sentencing, the State reserves the right to question witnesses and comment on any evidence presented upon which the Court may rely to determine the sentence to be imposed; to present testimony or statements from the victim(s) or victim representative(s), and the State of Indiana and the Defendant agrees that the Court shall impose the following sentence:

a. Ct. 4 – CHWOL / F5

i. A total determinate sentence of one (1) year;

1. One (1) year executed to be served in the Indiana Department of Corrections;

b. Ct. 3 – RLE / MA

i. A total determinate sentence of one (1) year;

1. One (1) year executed to be served in the Indiana Department of Corrections;

c. Counts 3 to run concurrent with Ct. 4;

d. Parties agree that the Court shall order the destruction of any firearms and/or ammunition seized under this instant cause and under agency case number DP15123628, which is to include a Cobra Arms .380 handgun, Serial # FS035003;

e. All other aspects of the Defendant's sentence shall be determined by the Court, after argument by the parties

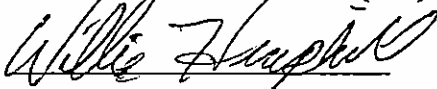
6. Defendant hereby waives the right to appeal any sentence imposed by the Court, including the right to seek appellate review of the sentence pursuant to Indiana Appellate Rule 7(B), so long as the Court sentences the defendant within the terms of this plea agreement (W4).
7. The Defendant acknowledges that the State's recommendation, or agreement to make no recommendation, is based on the Defendant's criminal history known to the Deputy Prosecutor representing the State at the time this agreement is executed and who entered into the agreement. In the event that such information is incomplete, that a further or more accurate criminal history is discovered prior to the entry of judgment or the defendant is charged with the commission of another offense prior to sentencing, the State reserves the right to unilaterally withdraw from this agreement at any time prior to the entry of judgment herein. I.C. 35-38-1-17 (W4).
8. The Defendant understands and acknowledges by his/her initials that if this agreement is accepted by the Court, the Defendant will give up the following rights:

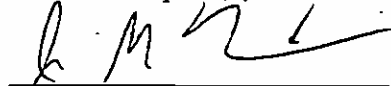
- |               |  |
|---------------|--|
| <u>WH</u> (a) | the right to a public and speedy trial by jury;                                |
| <u>WH</u> (b) | the right to confront and cross examine the witnesses against him/her;         |
| <u>WH</u> (c) | the right to have compulsory process for obtaining witnesses in his/her favor; |

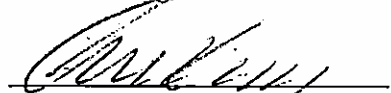


- Wt (d) the right to require the State to prove his/her guilt beyond a reasonable doubt;
- Wt (e) the right to remain silent and the right not to be compelled to testify against oneself;
- Wt (f) the right to present evidence on one's own behalf and to be presumed innocent until proven guilty beyond a reasonable doubt;
- Wt (g) the right to appeal the conviction(s).

9. The Defendant further acknowledges that entry of a guilty plea pursuant to this agreement constitutes an admission of the truth of all facts alleged in the charge or counts to which the Defendant pleads guilty and that entry of the guilty plea will result in a conviction on those charges or counts (Wt).
10. The Defendant acknowledges satisfaction with Defense Counsel's representation and competency in this matter (Wt). The Defendant believes this agreement to be in the Defendant's best interest (Wt).
11. The Defendant acknowledges that he/she has a right to pursue post-conviction relief, if there is a legal and factual basis to do so, and that entering a guilty plea herein does not operate as a waiver of that right. (Wt).
12. The Defendant affirms that if he/she is not a citizen of the United States, he/she wishes to enter a guilty plea even if a conviction in this case results in deportation, denial of re-entry, prohibition of citizenship, or loss of any future immigration benefit. (Wt).
13. This agreement embodies the entire agreement between the parties and no promises or inducements have been made or given to the Defendant by the State which is not part of this written agreement. (Wt).
14. Pursuant to Administrative Rule 9(G)(6)(a) and I.C. 35-33-3-3, the Defendant and the State waive the right to exclude the pending plea agreement from Public Access. (\_\_\_)

  
Willie Hemphill, Defendant

  
Ian Fleming, Defense Counsel

  
Annie Chey, 28497-49  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION 21

CAUSE NO.: 49G21-1510-F4-038191

STATE OF INDIANA )  
 )  
VS. )  
 )  
WILLIE HEMPHILL )

**FILED**

(89)

MAR 08 2016

*Theresa A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**ORDER FOR DESTRUCTION OF FIREARM**

Pursuant to the defendant's conviction in this cause, and in compliance of IC 35-47-3 *et sequence*, it is hereby ORDERED that the following firearm and any associated ammunition be destroyed in a proper manner by the police agency, or a designee of said police agency:

Police Agency: IMPD

Police Case No: DP15123628

Make/Model of Firearm: COBRA ARMS .380 HANDGUN

Serial Number: FS035003

Date: 3.8.16

*[Signature]*  
Judge  
Marion Superior Court,  
Criminal Division, Room 21

Copies to:

✓ STACEY KROM \_\_\_\_\_ Police Department Property Room  
✓ SANDY COTTEY \_\_\_\_\_ IMPD Firearms Section  
✓ ANNIE CHEY \_\_\_\_\_, Marion County Prosecutor's Office  
✓ IAN FLEMING \_\_\_\_\_, Defense Attorney, MCPDA

FILED

89 MAR 08 2016

STATE OF INDIANA,  
Plaintiff,

vs.

Willie Hemphill  
Defendant

CLERK OF THE MARION CIRCUIT COURT  
SUPERIOR COURT, CRIMINAL DIVISION 20  
No.: 49 G20-1510-FY-038191

ORDER OF JUDGMENT OF CONVICTION AND  
SENTENCE

The Defendant, Hemphill, in person and by counsel, Fleming, or ☐ having been advised of his/her right to counsel, knowingly and voluntarily waives said right; and the State by its Deputy Prosecutor

☒ THE DEFENDANT HAVING ENTERED A PLEA OF GUILTY:

The court now finds that the Defendant was advised of his/her right to a public and speedy trial by jury; the right to confront and cross-examine witnesses against him/her; the right to subpoena witnesses; the right to require the State to prove his/her guilt beyond a reasonable doubt at a trial in which he/she does not have to testify; and the defendant has the right to appeal any decision by the Judge.

☒ THE COURT FURTHER FINDS that the Defendant was advised of the maximum and minimum possible sentences; the possibility of increased sentence because of the Defendant's prior convictions; the possibility of consecutive sentences; and that the Court does not have to accept any plea agreement tendered; but, if the Court does accept that plea agreement, the Court is bound by the agreement.

☒ THE COURT FURTHER FINDS that the Defendant understood each of those rights and advisement's and knowingly and voluntarily waived each of those rights and that the Defendant understands the nature of the charges against him/her.

☒ THE COURT FINDS that the Defendant read understood and signed a written waiver of those rights.

☒ THE COURT FURTHER FINDS that there is a factual basis for the charge

☒ The Court accepts Defendant's PLEA OF GUILTY.

THE DEFENDANT HAVING BEEN FOUND GUILTY ☐ BY COURT ☐ BY JURY

THE COURT ENTERS A JUDGMENT OF CONVICTION FOR THE OFFENSE(S) OF:

☒ Count III Resisting L.E. LEVEL ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ Felony

CLASS ☒ A ☐ B ☐ C ☐ D ☒ Misdemeanor

☒ Count IV CHWOL LEVEL ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☒ Felony

CLASS ☐ A ☐ B ☐ C ☐ D ☐ Misdemeanor

☐ Count      LEVEL ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ Felony

CLASS ☐ A ☐ B ☐ C ☐ D ☐ Misdemeanor

☐ Count      LEVEL ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ Felony

CLASS ☐ A ☐ B ☐ C ☐ D ☐ Misdemeanor

☒ Sentencing Hearing Held

The Court now conducts a sentencing hearing and considers: the pre-sentence report; the nature and circumstances of the crime(s) committed; the risk that the Defendant will commit another crime; and the prior criminal record, character and condition of the person.

The Court, ☒ having heard evidence ☒ after offering both sides an opportunity to adduce evidence) now finds:

☐ That there are no aggravating or mitigating circumstances;

☐ That these are the ☐ aggravating ☐ mitigating circumstances;

☒ G217

set term



IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT THE DEFENDANT BE SENTENCED;

☐ G228 Counts Judgment of conviction entered as Misdemeanor (ALT. MISD.)

☒ Count III RLE LEVEL ☐2 ☐3 ☐4 ☐5 ☐6 ☐Felony

Imposed 1 ☒ Years ☐ Days; Executed 1 ☒ Years ☐ Days; Suspended 6 ☐ Years ☐ Days;  
☒ Sentence to run ☒ Concurrent ☐ Consecutive to Count IV  
Probation for     ☐ Years ☐ Days ☐ Standard Terms and Conditions of Probation  
Probation to run ☐ Concurrent ☐ Consecutive to Count    

Pursuant to IC 35-38-1-5(b), the Court notes that it currently costs an average of \$53.96 per day to house an adult inmate at the Indiana Department of Corrections. The defendant's sentence calls for an executed term of imprisonment\* of     days. Accordingly, the estimated total cost to incarcerate the defendant for this term of imprisonment is \$   . This estimated cost does not include reductions which will result if the defendant is eligible to receive credit for time served in confinement prior to conviction, credit time earned to date or in the future, or any other credits against the sentence. The estimated cost also does not reflect any future changes in the cost of incarceration.

☒ Count IV CHWOL LEVEL ☐2 ☐3 ☐4 ☒5 ☐6 ☒Felony

Imposed 1 ☒ Years ☐ Days; Executed 1 ☒ Years ☐ Days; Suspended 0 ☐ Years ☐ Days;  
☒ Sentence to run ☒ Concurrent ☐ Consecutive to Count III  
Probation for     ☐ Years ☐ Days ☐ Standard Terms and Conditions of Probation  
Probation to run ☐ Concurrent ☐ Consecutive to Count    

☐ Count     LEVEL ☐2 ☐3 ☐4 ☐5 ☐6 ☐Felony

CLASS ☐A ☐B ☐C ☐D ☐Misdemeanor

Imposed     ☐ Years ☐ Days; Executed     ☐ Years ☐ Days; Suspended     ☐ Years ☐ Days;  
    Sentence to run ☐ Concurrent ☐ Consecutive to Count      
    Probation for     ☐ Years ☐ Days ☐ Standard Terms and Conditions of Probation  
Probation to run ☐ Concurrent ☐ Consecutive to Count    

☐ Case sentence to run ☐ Concurrent ☐ Consecutive to cause number

☒ G171 Commitment ordered to ☐ MCJ ☒ DOC ☐ HOC ☐ MCCC *As agreed on record*  
☒ D177 The Defendant is entitled to 137 days for time spent in confinement before sentencing and an  
additional 45.67 days for class (1, 2, A, B, C, D) credit time and \_\_\_\_\_ days for time served on home  
detention.

☐ F008 Defendant is assessed court costs of \$ \_\_\_\_\_; total case fines of \$ \_\_\_\_\_.  
☒ F010 Fine and Costs suspended, Defendant indigent.  
☐ D490 Defendant shall self reply to facility upon release.  
☐ D491 Defendant to be released to Community Correction Center Staff.

Sentencing conditions: firearms and ammunition to be destroyed

#### MONEY OBLIGATIONS

Unless otherwise ordered by the trial Judge in the space provided below, pursuant to the standing order of the Marion Superior Court, the minimum fee allowed by law shall be imposed. All court-ordered fees may be entered as a Civil Judgment. If not paid in a satisfactory manner as determined by probation, such fees may be referred for collection to the City Office of Corporation Counsel. A collection fee will be added. If a Conditional Release Fee was assessed prior to sentencing, any remaining balance due will be collected as a condition of probation by the Probation Department. You are hereby assessed the following fees (if no box is checked any fee that applies to your case will be assessed at intake):

☐ AIDS Fee  
☐ Probation User Fees  
☐ Urine Drug Screen Fees  
☐ Public Defender Fee

☐ Countermeasure Fee  
☐ Drug Interdiction Fee  
☐ Court Costs  
☐ Domestic Violence Fee

☐ Child Abuse Fee  
☐ Safe School Fee  
☐ Fines

Restitution Order:

Recipient \_\_\_\_\_ \$ \_\_\_\_\_  
Recipient \_\_\_\_\_ \$ \_\_\_\_\_  
Recipient \_\_\_\_\_ \$ \_\_\_\_\_

The undersigned recommends to the Judge that that the ORDER OF JUDGMENT OF CONVICTION AND SENTENCE be approved.

3/8/16

\_\_\_\_\_  
Magistrate or Commissioner

IT IS ORDERED, ADJUDGED AND DECREED, THAT SAID FINDINGS AND THE ORDER OF JUDGMENT OF CONVICTION AND SENTENCE ARE HEREBY APPROVED AND ORDERED.

3-8-16

Alicia A. Gooden  
Judge Shantrese M. Flowers  
Marion Superior Court Criminal Division 20



STATE OF INDIANA )  
COUNTY OF MARION )

SS IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION, ROOM 21

STATE OF INDIANA )

VS )

CAUSE NUMBER: 49621-1510-F4-038191

WILLIE HEMPHILL )

MOTION TO DISMISS

The State of Indiana moves the Court:

to dismiss all counts in the above-captioned case

☒ to dismiss the following counts in the above-captioned case

Count 1  
Count 2  
Count \_\_\_\_\_  
Count \_\_\_\_\_  
Count \_\_\_\_\_

SVF / F4  
RLC / F6

**FILED**

(89) MAR 08 2016  
*Myra A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

For the following reasons:

Code

Literal

- 01 Evidentiary Problems
- 02 Essential Police Witness Not Present
- 03 Essential Civilian Witness Not Present
- 04 Plea Agreement
- 05 Diversion
- 06 State Declines Prosecution
- 07 Restitution Made to Victim
- 52 Mental Treatment
- 67 Victim Recants

Other: \_\_\_\_\_

3/8/16  
Date

*[Signature]*  
Deputy Prosecuting Attorney  
19<sup>th</sup> Judicial Circuit

The Court having examined said Motion to Dismiss, and being duly advised in the premises, now sustains said Motion.

3.8.16  
Date

*[Signature]*  
Judge, Marion Superior Court 21



STATE OF INDIANA  
COUNTY OF MARION

SENTENCING ORDER

<b>Case Name</b> State of Indiana v. Willie Hemphill		<b>Case Number</b> 49G21-1510-F4-038191	<b>Court</b> Marion Superior Court, Criminal Division 21
<b>Judicial Officer</b> Gooden, Alicia A		<b>Prosecutor</b> Annie Meehar Chey	<b>Defense Attorney</b> Ian M Fleming
<b>Date of Offense</b> 10/24/2015	<b>Date of Sentencing</b> 03/08/2016	<b>TCN Number</b> 9530220321	<b>Gallery Number</b> 000000683723; Provisional755857

The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:

PART I	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon		35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense		35-44.1-3-1(a)(3)	Plea by Agreement
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o		35-44.1-3-1(a)(1)	Plea by Agreement

As a result of the above convictions, the Court has sentenced the defendant as follows:

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
II	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 4
III	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 3

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
II	Indiana Department of Correction	Defendant indigent to court fines and costs. Set term plea.
III	Indiana Department of Correction	

The Defendant is to serve this sentence at: Indiana Department of Corrections

PART III	CREDIT TIME CALCULATION		
TYPE		NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
Incarceration (All Credit Days apply to Case Number 49G21-1510-F4-038191)		137	45.6

PART IV	SENTENCING CONDITIONS					
CONDITION		DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END

The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of \$. The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

PART V		MONETARY OBLIGATIONS	
<b>Court Costs and Fees</b>			
			\$0.00
		Total:	\$0.00
<b>Restitution</b>			
In the Amount of \$.			
Awarded To:	Awarded Against:	Payable Through	
		<input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation	
Comments:			

PART VI		ADDITIONAL SENTENCING INFORMATION	
Date to Report for Incarceration		Additional Comments and Orders	
03/08/2016			

<hr/> Judicial Officer	<hr/> 3/9/2016 Date
------------------------	------------------------

*\*Original signature on file with the Court.*



STATE OF INDIANA  
COUNTY OF MARION  
SENTENCING ORDER

<b>Case Name</b> State of Indiana v. Willie Hemphill		<b>Case Number</b> 49G21-1510-F4-038191	<b>Court</b> Marion Superior Court, Criminal Division 21
<b>Judicial Officer</b> Gooden, Alicia A		<b>Prosecutor</b> Annie Meehar Chey	<b>Defense Attorney</b> Ian M Fleming
<b>Date of Offense</b> 10/24/2015	<b>Date of Sentencing</b> 03/10/2016	<b>TCN Number</b> 9530220321	<b>Gallery Number</b> 000000683723; Provisional755857

The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:

PART I	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon		35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense		35-44.1-3-1(a)(3)	Plea by Agreement
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o		35-44.1-3-1(a)(1)	Plea by Agreement

As a result of the above convictions, the Court has sentenced the defendant as follows:

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
II	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 3
III	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 2

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
II	County Jail	Defendant indigent to court fines and costs. Set term plea.
III	County Jail	

The Defendant is to serve this sentence at: Marion County Jail

PART III	CREDIT TIME CALCULATION		
TYPE		NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
Incarceration (All Credit Days apply to Case Number 49G21-1510-F4-038191)		137	45.6

PART IV	SENTENCING CONDITIONS					
CONDITION		DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END

The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of \$. The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

<b>PART V</b>	<b>MONETARY OBLIGATIONS</b>	
<b>Court Costs and Fees</b>		
		\$0.00
Total:		\$0.00
<b>Restitution</b>		
In the Amount of \$.		
Awarded To:	Awarded Against:	Payable Through <input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation
Comments:		

<b>PART VI</b>	<b>ADDITIONAL SENTENCING INFORMATION</b>
Date to Report for Incarceration 03/08/2016	Additional Comments and Orders

\_\_\_\_\_  
Judicial Officer

3/10/2016  
\_\_\_\_\_  
Date

*\*Original signature on file with the Court.*





STATE OF INDIANA  
COUNTY OF MARION  
SENTENCING ORDER

FILED

143

MAR 10 2016

*Myke A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

Case Name State of Indiana v. Willie Hemphill		Case Number 49G21-1510-F4-038191	Court Marion Superior Court, Criminal Division 21
Judicial Officer Gooden, Alicia A	Prosecutor Annie Meehar Chey		Defense Attorney Ian M Fleming
Date of Offense 10/24/2015	Date of Sentencing 03/10/2016	TCN Number 9530220321	Gallery Number 000000683723; Provisional755857

The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:

PART II	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon		35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense		35-44.1-3-1(a)(3)	Plea by Agreement
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o		35-44.1-3-1(a)(1)	Plea by Agreement

As a result of the above convictions, the Court has sentenced the defendant as follows:

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
II	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 3
III	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		with count 2

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
II	County Jail	Defendant indigent to court fines and costs. Set term plea.
III	County Jail	

The Defendant is to serve this sentence at: Marion County Jail

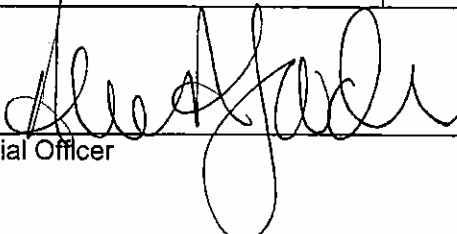
PART III	CREDIT TIME CALCULATION		
	TYPE	NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
	Incarceration (All Credit Days apply to Case Number 49G21-1510-F4-038191)	137	45.6

PART IV	SENTENCING CONDITIONS					
	CONDITION	DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END

The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of \$. The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

<b>PART V</b>		<b>MONETARY OBLIGATIONS</b>	
<b>Court Costs and Fees</b>			
		Total:	\$0.00
			\$0.00
<b>Restitution</b>			
In the Amount of \$.			
Awarded To:	Awarded Against:	Payable Through	
		<input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation	
Comments:			

<b>PART VI</b>	<b>ADDITIONAL SENTENCING INFORMATION</b>
Date to Report for Incarceration 03/08/2016	Additional Comments and Orders

  
 \_\_\_\_\_  
 Judicial Officer

3/10/2016  
 \_\_\_\_\_  
 Date

*\*Original signature on file with the Court.*



# ABSTRACT OF JUDGMENT

State Form 8466

INDIANA DEPARTMENT OF CORRECTION

INSTRUCTIONS: This form must accompany the Judgment, Pre-Sentence Report, and all other documents required by law upon the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used for each Case Number.

**FILED****143 MAR 10 2016**

*M. J. Edwards*  
CLERK OF THE INDIANA DEPARTMENT OF CORRECTION  
CLERK OF THE MARION CIRCUIT COURT

Case Name	
State of Indiana Vs. STATE OF INDIANA V. WILLIE HEMPHILL	
Court	
Marion Superior Court, Criminal Division 21	
Case Number	TCN Number
49G21-1510-F4-038191	9530220321
Date of Sentencing	
03/08/2016	
Presiding Judge	
Alicia A. Gooden	
Date of Offense	
10/24/2015	
Prosecutor	Defense Attorney
Annie M. Chey	Ian M. Fleming

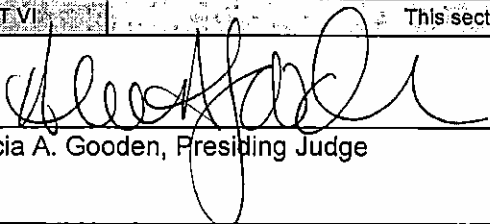
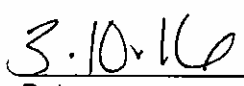
PART I The Defendant was charged with the following crimes under the above-referenced cause:			
COUNT	CRIME	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon	35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense	35-44.1-3-1(a)(3)	Plea By Agreement
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o	35-44.1-3-1(a)(1)	Plea By Agreement

PART II As a result of the above convictions, the Court has sentenced the defendant as follows:		
COUNT	SENTENCE	COMMENTS
II	Sentenced: 1 Year Jail Executed: 1 Year Comm. Corr: N/A Suspended: N/A Probation: N/A	Concurrent: with count 3
III	Sentenced: 1 Year Jail Executed: 1 Year Comm. Corr: N/A Suspended: N/A Probation: N/A	Concurrent: with count 2

PART III Dates of confinement prior to sentencing				
TYPE	FROM	TO	ACCRUED TIME	GOOD TIME CREDIT
Incarceration			137	45.6

PART IV ADDITIONAL INFORMATION			
Date to Report for Incarceration	Credit Restricted Felon	Purposeful Incarceration	Mental Health Concern
03/08/2016	No	No	No
Revocation			
No			
Revocation Reasons			
N/A			

PART V		JUDGE'S RECOMMENDATIONS	
Is the defendant to be returned to the Court for probation at the completion of his/her sentence?  No	Probation Office N/A		
	Recommended Degree of Security No Recommendation		
Is the offender currently serving a sentence under DOC custody? No			
Additional Comments and Recommendations Defendant indigent to court fines and costs. Set term plea.			

PART VI		This section is only required for the official copy filed with the court	
			
Alicia A. Gooden, Presiding Judge		Date	



STATE OF INDIANA  
COUNTY OF MARION  
SENTENCING ORDER

<b>Case Name</b> State of Indiana v. Willie Hemphill		<b>Case Number</b> 49G21-1510-F4-038191	<b>Court</b> Marion Superior Court, Criminal Division 21
<b>Judicial Officer</b> Gooden, Alicia A		<b>Prosecutor</b> Annie Meehar Chey	<b>Defense Attorney</b> Ian M Fleming
<b>Date of Offense</b> 10/24/2015	<b>Date of Sentencing</b> 04/08/2016	<b>TCN Number</b> 9530220321	<b>Gallery Number</b> 000000683723; Provisional755857

The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:

PART I	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon		35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense		35-44.1-3-1(a)(3)	Dismissed
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o		35-44.1-3-1(a)(1)	Plea by Agreement
IV	35-47-2-1/F5:Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years.		35-47-2-1	Plea by Agreement

As a result of the above convictions, the Court has sentenced the defendant as follows:

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
III	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		Count 4
IV	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		Count 3

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
III	Indiana Department of Correction	
IV	Indiana Department of Correction	

The Defendant is to serve this sentence at: Indiana Department of Corrections

PART III	CREDIT TIME CALCULATION		
TYPE		NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
Incarceration (All Credit Days apply to Case Number 49G21-1510-F4-038191)		137	45.6

PART IV	SENTENCING CONDITIONS					
CONDITION		DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END



The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of \$. The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

PART V	MONETARY OBLIGATIONS	
Court Costs and Fees		
		\$0.00
Total:		\$0.00
Restitution		
In the Amount of \$.		
Awarded To:	Awarded Against:	Payable Through <input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation
Comments:		

PART VI	ADDITIONAL SENTENCING INFORMATION
Date to Report for Incarceration 03/08/2016	Additional Comments and Orders

\_\_\_\_\_  
Judicial Officer

4/8/2016  
\_\_\_\_\_  
Date

*\*Original signature on file with the Court.*



STATE OF INDIANA  
COUNTY OF MARION

SENTENCING ORDER

143

APR 08 2016

CLERK OF THE MARION CIRCUIT COURT

Case Name State of Indiana v. Willie Hemphill		Case Number 49G21-1510-F4-038191	Court Marion Superior Court, Criminal Division 21
Judicial Officer Gooden, Alicia A	Prosecutor Annie Meehar Chey		Defense Attorney Ian M Fleming
Date of Offense 10/24/2015	Date of Sentencing 04/08/2016	TCN Number 9530220321	Gallery Number 000000683723; Provisional755857

The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:

PART I	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon		35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense		35-44.1-3-1(a)(3)	Dismissed
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o		35-44.1-3-1(a)(1)	Plea by Agreement
IV	35-47-2-1/F5:Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years.		35-47-2-1	Plea by Agreement

As a result of the above convictions, the Court has sentenced the defendant as follows:

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
III	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		Count 4
IV	1 Year(s) and 0 Day(s)	0 Year(s) and 0 Day(s)	X		Court 3

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
III	Indiana Department of Correction	
IV	Indiana Department of Correction	

The Defendant is to serve this sentence at: Indiana Department of Corrections

PART III	CREDIT TIME CALCULATION		
	TYPE	NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
	Incarceration (All Credit Days apply to Case Number 49G21-1510-F4-038191)	137	45.6

PART IV	SENTENCING CONDITIONS					
	CONDITION	DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END

The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of \$. The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

PART V		MONETARY OBLIGATIONS	
Court Costs and Fees			
		Total:	\$0.00
Restitution			
In the Amount of \$.			
Awarded To:		Awarded Against:	Payable Through <input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation
Comments:			

PART VI		ADDITIONAL SENTENCING INFORMATION	
Date to Report for Incarceration 03/08/2016		Additional Comments and Orders	

Judicial Officer

4/8/2016

Date

*\*Original signature on file with the Court.*

**ABSTRACT OF JUDGMENT**

AMENDED 1

State Form 8486

INDIANA DEPARTMENT OF CORRECTION

INSTRUCTIONS: This form must accompany the Judgment, Pre-Sentence Report, and all other documents required by law upon the commitment of the adult offender to the Indiana Department of Correction. A separate Abstract must be used for each Case Number.

**FILED****(143)**

APR 08 2016

*Myles A. Elbridge*  
CLERK OF THE INDIANA SUPREME COURT

<b>Case Name</b> State of Indiana Vs. STATE OF INDIANA V. WILLIE HEMPHILL	
<b>Court</b> Marion Superior Court, Criminal Division 21	
<b>Case Number</b> 49G21-1510-F4-038191	<b>TCN Number</b> 9530220321
<b>Date of Sentencing</b> <del>03/08/2016</del>	
<b>Presiding Judge</b> Alicia A. Gooden	
<b>Date of Offense</b> 10/24/2015	
<b>Prosecutor</b> Annie M. Chey	<b>Defense Attorney</b> Ian M. Fleming

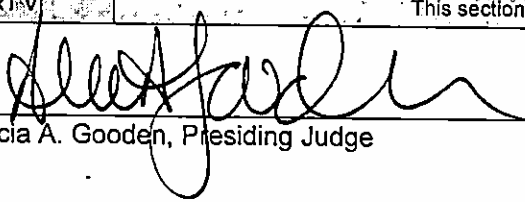
PART I		The Defendant was charged with the following crimes under the above-referenced cause:	
COUNT	CRIME	STATUTORY CITATION	DISPOSITION
I	35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon	35-47-4-5(c)	Dismissed
II	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense	35-44.1-3-1(a)(3)	Dismissed
III	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o	35-44.1-3-1(a)(1)	Plea By Agreement
IV	35-47-2-1/F5:Felon Carrying a Handgun Def has a prior felony conviction w/in last 15 years.	35-47-2-1	Plea By Agreement

PART II		As a result of the above convictions, the Court has sentenced the defendant as follows:	
COUNT	SENTENCE	COMMENTS	
III	Sentenced: 1 Year DOC Executed: 1 Year Comm. Corr: N/A Suspended: N/A Probation: N/A	Concurrent: Count 4	
IV	Sentenced: 1 Year DOC Executed: 1 Year Comm. Corr: N/A Suspended: N/A Probation: N/A	Concurrent: Court 3	

PART III		Dates of confinement prior to sentencing			
TYPE		FROM	TO	ACCRUED TIME	GOOD TIME CREDIT
Incarceration				137	45.6

PART IV		ADDITIONAL INFORMATION	
Date to Report for Incarceration 03/08/2016	Credit Restricted Felon No	Purposeful Incarceration No	Mental Health Concern No
Revocation No			
Revocation Reasons N/A			

PART V		JUDGE'S RECOMMENDATIONS	
Is the defendant to be returned to the Court for probation at the completion of his/her sentence?  No	Probation Office N/A	Recommended Degree of Security No Recommendation	
	Is the offender currently serving a sentence under DOC custody? No		
Additional Comments and Recommendations Defendant indigent to court fines and costs. Set term plea.			

PART VI	This section is only required for the official copy filed with the court		
 Alicia A. Gooden, Presiding Judge		<u>4.11.16</u> Date	



Criminal Court 21  
200 E Washgton Street  
Suite G108  
Indianapolis, In 46204

INDIANAPOLIS

IN 46204/13/15XX

19 APR '16

PM 7 L

PRESORTED  
FIRST CLASS



02 1M

0008005688

\$ 00.37<sup>6</sup>

APR 18 2016

MAILED FROM ZIP CODE 46241

RETURN TO SENDER

Willie Hemphill #683723  
Marion County Jail II  
730 East Washington Street

NIXIE

462 DC 1

0005/14/15

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 46204333478

\*0312-00875-03-46



INDIANAPOLIS  
IN 46204  
19 APR '16  
PM 7 L  
4620403334



**MARION SUPERIOR COURT**  
Criminal Division Room Twenty-One

City-County Building  
200 East Washington Street, Suite G-108  
Indianapolis, Indiana 46204-3307

3305/25/1677

PRESORTED  
FIRST CLASS



UNITED STATES POSTAGE  
Eagle logo  
FITZLY BOWES  
02 1M  
0008005688  
MAILED FROM ZIP CODE 46241  
\$ 00.376  
MAY 27 2016

*No longer  
Here*

**RETURN TO SENDER**

*Willie Hemphill # 68372<sup>3</sup>  
Monroe County Jail - II*

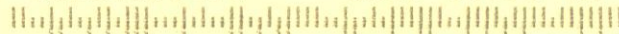
*730 E*

*Mdph*

NIXIE 462 DE 1260 0006/08/16

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 46204333478 \*0885-02875-08-23



35 XX DMHMH5B 46202

STATE OF INDIANA

) IN THE MARION SUPERIOR COURT

vs. )

) CRIMINAL DIVISION, ROOM NO. 21

Willie Humphill )

496211510F4038191

Please be advised:

The correspondence dated 4.10.14 has been received by the Court but not reviewed as it does not comply with the Indiana Rules of Trial Procedure.

4.15.14

Dated:

Alicia A. Gooden  
Alicia A. Gooden, Judge



STATE OF INDIANA

) IN THE MARION SUPERIOR COURT

vs.

) CRIMINAL DIVISION, ROOM NO. 21

Willie Humphill

) 49F211510F4038191

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4.15.14

Dated:

Alicia A. Gooden  
Alicia A. Gooden, Judge



Willie Hemphill #683723  
MARION County Jail - II  
730 East Washington Street  
Indianapolis, IN 46202

INDIANAPOLIS IN 462

04 APR 2016 PM 6 L



Legal Mail

To: Honorable Judge; Alicia A. Gooden  
SUPERIOR Court - 21  
200 East Washington Street  
Indianapolis, IN 46204

46204\$3307 C008





In the Matter of Cause#: 49G20-1510-F4-038191

Defendant

Willie Hemphill #683723 Superior Court - 21  
APRIL 1, 2016

To: Honorable Judge; Alicia A. Gooden

I, Willie Hemphill, Comes now and Request the Courts to Correct or Amend the Abstract of Judgement; Depicting that Defendants 1-year Sentence is at 50% Credit Time = 6-Months OR 180-DAYS and That Defendant be given Jail Credit for all Time Spent in Jail since Oct. 24, 2016; And That Defendants 180-Actual Day are up April 20, 2016. Instead of June 7, 2016; which Jail-I Records currently have as my Out-Date.  
See Attached Sentencing Order

Furthermore; the Defendant having Served over 160-Actual Days as of April 1, 2016; On A 180-Day Sentence. Defendant also Request to Courts to grant Time Served and Immediate Release.

Respectfully Submitted;

Willie Hemphill #683723

Willie Hemphill

Dated: April 1, 2016

Reviewed  
AMF  
4-15-16

03/09/2016 Order Granting Mot. to Enter Plea Pursuant to Plea Agreement (Judicial Officer: Gooden, Alicia A)  
Order Granting Motion to Enter Plea of Guilty Pursuant to Plea Agreement.  
Order Signed: 03/08/2016

03/09/2016 Notice of Evidence Destruction Issued

03/09/2016 Sentence (Judicial Officer: Gooden, Alicia A)  
2. 35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement def. uses a vehicle to commit the offense  
Confinement to Commence 03/08/2016  
Indiana Department of Correction  
Term: 1 Yr  
Jail Credit: 137 Days  
Concurrent with Prior Sentence: with count 4  
Comment: Defendant indigent to court fines and costs. Set term plea.

3. 35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o  
Confinement to Commence 03/08/2016  
Indiana Department of Correction  
Term: 1 Yr  
Concurrent with Prior Sentence: with count 3

03/09/2016 Disposition Sent Electronically to Indiana State Police  
Added By CHRIS Interface (SNTC)

03/09/2016 Disposition Sent Electronically to Indiana State Police  
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03/10/2016 Amended Sentence (Judicial Officer: Gooden, Alicia A) Reason: Other  
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County Jail  
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Concurrent with Prior Sentence: with count 2

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Please note that any Balance Due does not reflect interest that has accrued since the last payment.

According to the Above Amended Sentencing Order; I was Sentenced to 1-year do 6-Months = 180-Actual Days; On Counts 2 and 3; to Run Concurrent. At the Time of Sentencing on March 8, 2016; I was given Jail Credit for 137-Actual Days; Leaving me with 43-Actual Days to complete A 180-Days of A 1-year Sentence at 50% Credit. Giving me an Out-Date of April 20, 2016. However; Jail I and Jail - II Records Indicates my Out-Date as June 7, 2016; Which would have me Serving 228-Actual Days from the Date of my Arrest Oct. 24, 2016. Instead of April 20, 2016.

Please Make Needed Changes to Correct this Problem.  
Thank You and God Bless You!  
Willie Hemphill #683723

Name <i>Willie Hemphill</i>	
DOC number <i>157251</i>	Location <i>5-4-129</i>

ST 47112 (R/S-01)

INDIANA DEPARTMENT OF CORRECTION

**Plainfield Short Term Offender Program Facility**

501 West Main St.

Plainfield, IN 46168

Postmark stamp identifies this correspondence as having been mailed by an offender at the indicated correctional facility. **"WARNING"**, Not responsible for contents. Any enclosed money orders should be referred to your local Postmaster before cashing.

INDIANAPOLIS

IN 460

28 APR '16

PM 2 L

Master

FIRST-CLASS MAIL

04/28/2016

US POSTAGE

\$00.46<sup>5</sup>



ZIP 46168  
011D11624056

*G121 PL*

Marion County Superior Court-2  
Attn: Mylan A. Elderidge, Clerk of Court  
200 E. Washington Street

Indianapolis, IN 46204-3381

46204338199



Indiana Department of Corrections  
Heritage Trail Correctional Facility  
Willie J. Hemphill, D.O.C. # 157251  
501 W. Main Street  
Plainfield, Indiana 46168

Marion County Circuit & Superior Court  
W122 City-County Building  
Attn: Mylan A. Elderidge, Clerk of the Court  
200 E. Washington Street  
Indianapolis, IN 46204-3381  
(317) 327-4740

**RECEIVED**

MAY 23 2016

April 27<sup>th</sup>, 2016.

RE: Copy of Charging Information For Count IV  
Cause No. 49G21-1510-F4-038191

Dear Ms. Elderidge:

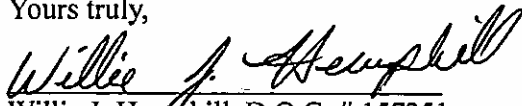
I am in the process of appealing my conviction, but I need a copy of the  
"Charging Information" for Count IV, pursuant to this charge.

**"Carrying A Handgun Without A License "**  
pursuant to I.C. 35-47-2-1

Therefore, would you please forward me a copy of any and all indictments, or charging  
information pursuant the above listed cause number including any amended actions.

In closing, thank you for your cooperation and help in this most important matter.

Yours truly,

  
Willie J. Hemphill, D.O.C. # 157251  
Petitioner, *pro se*.

Reviewed  
+ ordered to  
be sent a  
copy of  
information  
AAJ  
5.26.16



Cause #: 49620-1510-F4-038191

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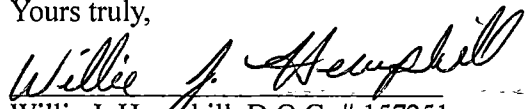
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**RECEIVED**

MAY 23 2016

INMATE RECORDS  
 SPOKE TO THE COURT  
 THE SENT. IS CORRECT  
 THE SENT. IS CORRECT  
 YOU ARE ALSO A GRANT  
 HOLD

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Willie Hemphill # 683723

1944-1945

1944-1945

1944-1945

1944-1945

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 49G13-1601-IF-001718**

State of Indiana

v.

Willie J Hemphill

§  
§  
§  
§  
§

Location: Marion Superior Court,

Criminal Division 13

Judicial Officer: Pratt, Marcel A, Jr.

Filed on: 01/12/2016

Appear by: 12/28/2015

CASE INFORMATION

Offense	Citation	Statute Deg	Date	Case Type:	IF - Infraction
1. 9-21-8-25/IFC: Failure to Signal for Turn or Lane Change	w1499880	9-21-8- IFC 25	10/24/2015	Case Status:	01/12/2016 Decided

**Statistical Closures**

01/12/2016 Dismissed

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	49G13-1601-IF-001718
Court	Marion Superior Court, Criminal Division 13
Date Assigned	01/12/2016
Judicial Officer	Pratt, Marcel A, Jr.

PARTY INFORMATION

**State Plaintiff** State of Indiana

**Defendant** Hemphill, Willie J  
27 N Gray ST  
Indianapolis, IN 46201  
Black Male Height 5' 10" Weight 165  
DOB: 09/10/1971 Age: 44  
DL: IN 0880739019

DATE

EVENTS & ORDERS OF THE COURT

INDEX

01/12/2016	Case Opened as a New Filing	
01/12/2016	<b>Disposition</b> (Judicial Officer: Pratt, Marcel A, Jr.) <i>per prosecutor to dismiss ticket should have been filed with 49g201510f4038191</i> 1. 9-21-8-25/IFC: Failure to Signal for Turn or Lane Change Dismissed	
01/12/2016	Case Dismissed	

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Hemphill, Willie J	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 6/24/2019</b>	<b>0.00</b>



**Subject:** 49G13-1601-IF-001718  
**Date:** Monday, June 24, 2019 at 1:51:41 PM Pacific Daylight Time  
**From:** Hollis, Russell  
**To:** Craft, Will  
**Attachments:** Case Summary.pdf

No other documents exist on this case.

Sincerely,

**Russell Hollis**

Deputy Director  
Marion County Clerk's Office  
200 East Washington Street, W130A  
Indianapolis, IN 46204  
[Russell.Hollis@indy.gov](mailto:Russell.Hollis@indy.gov)  
(317) 327-5099 tel